

# Justicia

## **Reentry Reform Will Boost Public Safety, Save Taxpayer Money, Promote Healthy Families and Neighborhoods**

By Precious Bedell and Bob Seidel

Angela is a recidivist. The mother of three, she has inadequately treated mental and substance abuse difficulties. She's been in and out of incarceration in Monroe County so often she's lost count. For Angela, reentry to community is a revolving door. Despairing, she believes she may never regain custody of the children, who are in foster care. To some who know her, she is an unfit mother and persistent offender. Taxpayers, who don't know her at all, have spent \$600,000 caring for her and her dependents in the course of six years. Angela is losing hope she'll ever stay out of jail and get her life in order.

Creating a successful Monroe County

prison reentry system would offer better prospects for folks like Angela and many other men and women. Recidivism, the rate at which releasees return to incarceration for a violation or conviction for a new criminal act, is over 67% within three years of release from jail. Lowering recidivism, a realistic possibility, could benefit Angela, and almost everybody else would come out ahead too.

In broad strokes, about 2,500 men and women return to the County from the County's Correctional Facility and State prisons each year. County taxpayers pay over \$100 million annually in direct and indirect recidivism expenses. About 50% of returnees have no families or loved ones to receive them; many are destitute. The majority go to lower-income, at-risk neighborhoods. Without a doubt, recidivism also devastates families.

Turning this dysfunctional situation around requires recidivism reduction. Such change will enhance public safety, reduce taxpayer costs, and improve life changes for Angela and other returnees, their families, and neighborhoods.

Reducing recidivism by 20% will not eliminate the needs for courts and prisons. No way! Yet it will save taxpayers lots of money spent on courts, incarceration, and associated services. In addition to the 825 Monroe County releasees who don't recidivate in a single year, the reduction would keep 325 more persons from recidivism's perils. The numbers would grow over time. Crime and violence are likely to drop by 20%. Over 850 family relationships could become healthier. At-risk

neighborhoods could regain a measure of tranquility, morale, prosperity, and hope.

This is a laudable goal. But institutional imperatives, budget cuts, reentry barriers, inadequate guidance, and poor inter-agency coordination undermine good intentions. We now experience the negative effects of drug-law enforcement and accelerating incarceration levels. Indeed, research demonstrates that, for a large proportion of incarcerated individuals, punishment produces more crime and recidivism, not less.

The Judicial Process Commission's decade-old reentry mentoring/case management program gets good results, and other reentry initiatives exist. The Monroe County Reentry Task Force started work early in 2006. It serves high risk State parolees and will reach local jail returnees before long. Huther-Doyle's federally funded Young Offenders Re-entry Project has 12 collaborating organizations, deals with 60 prison returnees annually, and employs five case managers. The S.M.A.R.T. (Safer Monroe Area Reentry Team) coalition initiates proposals, does advocacy, and collaborates with the Task Force. Step By Step offers support for incarcerated and reentering women. As a community we're making progress, if too slowly for the size of the reentry population.

JPC's Public Policy Group (PPG) has created a sturdy, evidenced-based approach to reentry reform. At its core is pre- and post-reentry case management, a means to build relationships and overcome obstacles, which will attend collaboratively to reentrants' housing, family, rehabilitation, medical, and employment needs.

PPG's work took off in August 2005 with a position paper (published in *Justicia*) that makes a case for reentry case management. Scores of public officials, agencies, and faith-based organizations endorsed it. The effort went further with PPG's January 2006 roundtable for Monroe County legislators and subsequent cost/benefit study that legislators' questions prompted.

Looking only at men and women leaving the Monroe County Correctional Facility, the study obtained costs for all governmental recidivism expenses. It characterized the types of the majority of MCF prisoners and described a six-year trajectory of incarceration, reentry, and re-incarceration. The study's preliminary results depicted recidivism's costs and the potential taxpayer savings that would result from pre- and post-reentry case management, additional housing, and coordinated reentry services.

Monroe County would not be doing something entirely new. Jurisdictions, including Illinois and Pennsylvania, that use reentry case management strategies linked integrally with other services are reducing recidivism by over 20%.

The PPG study offers several observations and a conclusion:

- ✓ The taxpayer cost for "control" recidivists is \$37.3 million per year.
- ✓ The taxpayer cost for "experimental," 20% reduced recidivists, is \$7.5 million less.
- ✓ Case management and housing will cost \$3 million a year.
- ✓ Financial benefits will accrue to taxpayers within five years as the program takes hold and the savings from less crime, fewer adjudications, and fewer prisoners accumulate.
- ✓ PPG did not calculate additional benefits expected from taxes paid, consumer spending, labor force participation, improved health, and happier families.
- ✓ *Conclusion:* Without requiring additional spending by Monroe County taxpayers, we can indeed enhance public safety, reduce recidivism, and improve the quality of life.

The PPG report is associated with a multi-faceted advocacy strategy with these elements:

- ✓ Recognizing reentry reform as a bipartisan public issue.
- ✓ Promoting collaboration among reentry services.
- ✓ Encouraging open discussion about reentry.
- ✓ Cooperation to obtain State funding for efficient and accountable local implementation.
- ✓ Progressive phase-in of reentry reform.

We see the "big picture" more clearly than ever. Reentry reform should reach the entire reentry population. Solid reentry reform programs can begin in Monroe County, and possibly elsewhere, and start with a portion of the reentry population. Local management makes sense and will be economical. Absolute fiscal and program accountability will guide progressive implementation.

And folks like Angela will be able to hope for a brighter future.



## **The Police Chief Who Was Railroaded Into Prison: *The Jeff Talani Story***

By Joel Freedman

In 1975, Jeff Talani fulfilled his dream of becoming a police officer when he was hired by the police department of Brooklyn Heights, Ohio. Within a few years, Talani was part of the Northeast Ohio Regional SWAT Team; and later he was placed second in command of it. Prior to his appointment as police chief of Brooklyn Heights in January 1986, Talani had the top felony arrest record in the Department. During his career, he received several commendations for his performance, ranging from saving the life of a child who had stopped breathing after swallowing a chicken bone to persuading a suicidal man who had shot up a police station to peacefully surrender. Talani was also asked by the area school district to be president of the School Board. He declined, but he did accept the vice president position.

When Talani was selected by the village mayor to head the police department, one member

of the village council said Talani was too young and too inexperienced for the job. Talani was 31 years old at the time. For the most part during his tenure as police chief, Talani was highly respected for the job he did. His most outspoken adversary was Wayne Silvers, a patrolman who had been with the Brooklyn Heights Police Department for three years. Talani said he frequently counseled Silvers regarding the latter's job performance, including use of sick leave, personal appearance, and making arrests outside his jurisdiction. "Silvers was always talking behind my back and bad mouthing me. Some of the other guys would tell me the things he was saying. He also undermined me to the mayor about scheduling and cruiser assignments," Talani added. Talani said he also resisted pressure from the mayor who wanted to enable Silvers to be promoted to sergeant. Talani believed that there were other police officers who would be more qualified than Silvers for promotion. All things considered, Silvers must have realized that his chances for promotion in the police department were not too good, as long as Talani remained boss of the department.

While he was Chief of Police, Talani had a dispute with an assistant District Attorney over the handling of a pension claim made by the widow of a lieutenant in Talani's department who had died from a heart attack he suffered on duty. "I told her he (the man who became an assistant DA) didn't do a damn thing and he was ripping her off. She conveyed what I said to him," Talani told me. Silvers was aware of this dispute.

Talani was married in 1977. Mrs. Talani gave birth to a daughter in December 1978, and a son in December 1980. The Talani household became a gathering place for children in the neighborhood, who enjoyed Talani's swimming pool. A frequent visitor was Wanda (a pseudonym), a relative of Silvers.

Talani's ordeal started when four-year old Wanda urinated on herself while visiting with Talani's daughter. Talani said, "I simply took a wash cloth and cleaned her legs in front of my daughter. A few days later I went to pick my daughter up (from Wanda's home, where Talani's daughter often visited). My daughter said to Wanda's mom, 'My dad really likes Wanda. He even cleaned her up after she peed.' Wanda's mother looked at me as if I'd slapped her. She (Wanda's mother) had a phobia of someone molesting her kid." Wanda's mother told Wayne Silvers about the incident. Silvers, a relative of

Wanda's, reported the incident to the assistant DA who was on bad terms with Talani.

Wanda had never told her mother or Silvers or anybody else that anything was wrong. It was only after several months of sessions with a counselor – who reportedly had concluded that 49 out of 50 children she previously evaluated in other cases had been sexually abused – that Wanda supposedly recalled that Talani had fondled her privates and had exposed himself to her. Prior to being taken to this particular counselor, Wanda was reportedly taken to at least one other professional evaluator who would not validate that Wanda had been molested. While Wanda was undergoing counseling, according to Talani, Wanda's mother continued to permit her daughter to visit the Talani household. Talani had no idea that anything was amiss until August 28, 1987, when he was arrested following his indictment by a Cuyahoga County grand jury charging that he sexually molested a four-year old girl.

The Cuyahoga County Sheriff's Department began questioning all the children who had known Talani. Detectives also questioned the children's parents. Talani's daughter and son were questioned. All the children, including Alice (a pseudonym) and Donna (a pseudonym) said that Talani had never made sexual approaches to them. One neighbor said, "I have an eight-year old daughter who plays with his kids. I would never suspect anything like this and I still don't." Another neighbor said of Talani, "He's never been mean, He is one of the nicest and best persons I know."

In the following weeks, the Sheriff's Department reported it found nothing that would meet legal definitions of pornography in the movies seized from Talani's home. Several videotapes found in Talani's office were also okay.

**Six weeks after** Talani's arrest, Richard Grzelecki, a 20-year veteran of the Brooklyn Heights Police Department, was selected to become the next police chief. The village council also approved the appointment of Wayne Silvers to the detective position vacated by Grzelecki. That same day, Talani was indicted on counts of possession of cocaine, marijuana, methaqualone and phentermine, which were allegedly confiscated from Talani's locker and office.

Six months after his arrest for sexual abuse of four-year old Wanda, Talani was arrested on new sexual abuse charges. Eight-year old Alice, who had previously denied any wrongdoing by

Talani, was now reportedly claiming that the previous summer Talani forcibly anally raped her. Lawyers for Talani were denied permission to interview the two girls Talani was accused of sexually assaulting.

On May 21, 1988, Talani was involved in an alleged road rage incident. Talani reportedly forced another man's car off the road, a shouting match ensued, and Talani allegedly kicked the other man two times. Talani was also accused of obstructing justice by soliciting two friends, one of whom was an Independence, Ohio, policeman, to supply a false witness report on the incident. Talani told the Cleveland Plain Dealer that the Brooklyn Heights policeman who made the original charge of child molesting against him was also involved in investigating the alleged road rage incident, and that "I have not done anything wrong other than defend myself." Talani said it was the other driver who forced him off the road, and that it was the other driver who initiated a physical confrontation.

With all the charges against him, Talani's attorney strongly pressured him to accept a plea bargain in which the rape charges would be reduced to sexual battery and gross sexual imposition. He would also have to plead guilty to obstruction of justice in the road rage incident. If he did not plead guilty, Talani's lawyer said Talani faced a life imprisonment sentence if he was convicted. He could then be terrorized by other prisoners who hated the police and hated convicted child abusers. Additionally, if he refused the plea bargain, Talani was told his two friends involved in the alleged attempt to cover up the road rage incident would face criminal charges. Although Talani had taken a polygraph test that cleared him of charges that he sexually molested children, the test also showed possible deception in Talani's response to a question as to whether he had ever shown sexually explicit movies to children. Talani's attorney, according to Talani and the attorney's co-counsel, also told Talani that if he accepted the plea bargain, he would do no more than six months in the local jail. Even though the judge would officially advise Talani that he faced prison time, an unwritten pledge had been made to the attorney, by the DA's office, that Talani would not go to state prison.

On August 18, 1988 Talani, without acknowledging actual guilt, pleaded guilty to reduced charges. Shortly thereafter, Talani's friends, who could have faced criminal charges if he did not accept the plea bargain, encouraged him

to change his plea back to not guilty. Additionally, Talani's lawyers told him that the judge insisted that Talani enroll in a pedophile program; otherwise, she intended to send him to prison. To enroll in such a program, Talani would have to admit actual guilt. Talani said he would never admit to something he did not do. He made a suicide attempt and was hospitalized for severe anxiety and depression.

On August 24, Talani, represented by a new lawyer, tried to change his plea. Evidence had been uncovered that the alleged child victims' accusations were unreliable. A psychologist testified that Talani was under so much stress when he pled guilty that his plea was not a competent one. The judge refused to allow Talani to change his plea. He received a six-month sentence for obstructing justice in the course of an assault, a charge that stemmed from the May 21 traffic altercation in Independence. Talani received up to ten years in prison for the alleged sexual crimes.

In August 1994, shortly before he was expected to be released from prison, Talani was indicted on charges of abusing another child. Donna (a pseudonym), now an adult, had claimed that in 1983, when she was nine years old, she was anally raped by Talani while the girl was a guest in the Talani home, the night before her brother's funeral. She claimed she bled profusely for weeks after the incident. She said she concealed the rape and subsequent bleeding from her parents in 1983, and from police investigators in 1988, because Talani had threatened to kill her parents if she ever told on him. Talani was offered a plea agreement in the case that would have allowed him to serve time for the 1988 case and the current case simultaneously. Had Talani accepted the agreement, he would have left prison no later than 1998. Talani turned down the agreement. In February 1995, a jury convicted Talani of rape and gross sexual imposition, based primarily on Donna's uncorroborated testimony. Talani was sentenced to life imprisonment. He is currently incarcerated at Grafton Correctional Institution, a medium security prison.

**I began a correspondence** with Talani, and a review of thousands of pages of pertinent documents, after he wrote to me on September 8, 2006, advising me that all his appeals had been unsuccessful, and that he hoped I could assist him "in my 18 year fight to prove my innocence."

After learning that all copies of the polygraph examination administered by Bill Evans of Akron, Ohio, had somehow been lost or destroyed, I phoned Evans on November 13, 2006. Talani wrote to Evans to give consent to release of information. Evans told me he remembered giving the test to Talani, but that was nearly 20 years ago. Talani's file had long ago been destroyed, and he could not, from memory, either confirm or dispute Talani's account of the examination results.

Responding to my initial inquiry as to whether he had taken a polygraph examination, Talani wrote me, "Yes, and I passed. My attorney claimed during his coercion to plead guilty that there was a gray area about me possibly showing a dirty movie to a minor. Otherwise I passed. I told the polygraph operator I didn't know exactly what every movie contained I put in the VCR for my kids but I know none were x-rated. I would take another polygraph gladly."

Considering that police investigators who had checked out all of Talani's rentals from various stores, and who had confiscated movies from his home and office, had found none of them to be pornographic, it seems likely that Talani's explanation for why he had difficulty with this one question is plausible. More importantly, it appears that Talani was a sensitive subject for a polygraph examination. If he failed this particular question, it is unlikely he could have deceived the polygraph examiner when he was asked relevant questions about raping, sodomizing or otherwise molesting any children. Furthermore, in arriving at my conclusions that Jeff Talani is innocent of molesting Wanda, Alice and Donna, and that it is highly unlikely that he would ever molest *any* child, I relied on other exculpatory evidence.

The drug charges were dropped in 1988 after village police officers substantiated that at the time of Talani's arrest, police officers often kept confiscated drugs in their desks or lockers. At the time, the key to the evidence display case could not be located. Talani said the drugs in question that were found in his office had initially been discovered under the back seat of a patrol car, apparently left there by someone who had been arrested and did not want the drugs to be found on his person. Sheriff's investigators found no evidence that Talani intended to use or sell any drugs. The fact that there was such a rush to accuse Talani of drug offenses speaks volumes about the lack of objectivity in the investigations centered on Talani.

Following his initial arrest, Talani was under the kind of stress that few of us can even imagine. His children were being taunted in school. Accusations were made that Talani had run for school board in order to be able to prey on children. When he was a police officer, Talani would take candy and used clothes to a childrens' facility at Christmas time. After his arrest, a few people were suggesting that Talani's motives were anything but charitable. "For a year prior to my suicide attempt I merely existed. I wasn't living. I lost 25 pounds, couldn't eat, sleep or do anything worthwhile. I was a zombie. I was ashamed of the accusations themselves even though I knew they were blatant lies. I was sick and tired of defending myself to everyone and the thought of people thinking I was a monster. I felt like I was covered in slime and no matter what I did I couldn't get it off."

**Talani has been in prison** since 1988 because of the child molestation charges. Neither Wanda nor Alice revealed, on their own initiative, that they had been abused by Talani. There is evidence that Alice told Talani's daughter that the molestation had never really happened. Although Alice, in the presence of her parents, told medical personnel she had pain associated with Talani's having anal intercourse with her, even hard stool – as an assistant DA later acknowledged – could cause anal scarring. The medical director of the Child Abuse Program at Children's Hospital advised Talani's attorney that "thickening of the edge of the hymen has been described in chronic genital urinary problems *not* associated with sexual abuse." At Talani's 1995 trial, Alice was a prosecution witness who was asked to testify to show a pattern of conduct to support Donna's accusations. At the trial, Alice testified that Talani had not anally penetrated her. Yet her allegation of anal penetration in 1988 was one of the reasons Talani's lawyer pressured Talani to plead guilty.

It is noteworthy that in 1987 Talani arrested Alice's father for domestic violence. The father spent the night in jail, then he had to attend marriage counseling. There is no evidence that either Wanda or Alice showed any emotional trauma or unusual behavior immediately after the supposed molestations occurred. And on the day of one of the supposed molestations, Talani had proof he was at his cabin in Pennsylvania with five other people, who all gave verification statements to Talani's attorney.

The jury at Talani's 1995 trial learned that

Donna had repeatedly denied that Talani had ever done anything improper to her. The jury also heard evidence that the basement she described in detail was the way it looked after it was remodeled in 1986 and not the way it looked in 1983, when the rape in the basement allegedly occurred. At trial, Talani's wife, who by then was divorced from Talani, testified that when she helped to dress Donna in the morning, the girl was ok and was not, as Donna later claimed, bleeding. Donna testified that she bled for two weeks thereafter, yet her own parents could not substantiate this.

Despite all these doubts, Talani was convicted. Why would Donna fabricate something like this? Good question. But there was one significant piece of evidence that was not presented to the jury. More than anything else, this particular evidence convinced me that Talani did not molest Donna. And I am convinced that if the jury had received this evidence, Talani would have been acquitted.

Lets go back to 1988, when Talani is about to be sentenced for the alleged abuse of Wanda and Alice. Many people in the community wrote letters to the judge to urge that Talani not be sent to prison. One of these letters was written by Donna, then age 14, who in 1995 testified that Talani had brutally raped her anally in 1983. Five years after the later-claimed rape, however, this is what Donna wrote to the judge: "I believe Jeff Talani did not commit any of those crimes. I've known Jeff and his family for many years. I have been there and have slept over there. Jeff was always joking around and cheering you up. He was always at work, but when he was home which wasn't often he would be here watching kids at their swimming pool. When he was home he would always be there with his family. He always made sure that the kids were all right, especially in the pool. Even though Jeff and my family got into an argument I know he couldn't do that. I hope you can consider shock probation for Jeff Talani."

Talani's lawyer did not present this letter to the jury. She said the letter would open the door to the jury learning about Talani's prior guilty plea. However, in view of the exculpatory nature of this evidence, and considering that Alice's testimony had already alerted the jury to past allegations, I believe the lawyer erred by not presenting this letter. (I also believe the trial defense attorney was too timid in her cross examination of Alice, who testified that Talani "put his finger in my vagina. And mainly it happened like on every time I was

over there.” The lawyer neglected to challenge this testimony. She also failed to urge the jury to discredit the testimony for the obvious reason that if Talani had really molested Alice even once, the girl would certainly have avoided Talani thereafter.)

The trial record indicates the presiding judge, the prosecuting attorney, and the police detective who investigated Donna’s allegations were all aware of Donna’s letter. Here is a case that never should have come to trial. One would expect a detective to have serious doubts about the credibility of Donna’s accusations, after studying the contents of her letter. But this particular detective helped to assure that Talani would be convicted. He did not testify at trial, but he sat next to the prosecutor throughout the trial. The judge identified him to jurors. “And seated with Mr. Nolan (the prosecutor) is a police officer who worked on this case, and his name is Detective Wayne Silvers” - the same Wayne Silvers who accused Talani of molesting Wanda, a relative of Silvers.

In recent years, Talani has tried - so far unsuccessfully - to get a court order for DNA testing of the sofa, on which Donna claimed to have bled profusely. He cannot afford an attorney to assist him.

In one of their briefs, attorneys for the State of Ohio offered an explanation for why Donna would write to a judge on Talani’s behalf: When she wrote her letter, she had simply forgotten that five years earlier Talani had so brutally molested her. Yeah, sure!

A former inmate who befriended Talani in prison told me that Talani is respected in prison, and that other inmates realize Talani should not be in prison. I, too, respect Talani for maintaining his courage and dignity during his prolonged, nightmarish ordeal.

Talani wrote me that when he contemplated suicide two decades ago, “I wasn’t afraid to die because I knew God knew I never raped anyone or ever hurt any child.” In reply, I urged Talani to “always bear in mind what you noted in your letter – that God knows you never raped anyone or hurt any child. In the long run, that matters more than anything else. You might find comfort in reading the story of Joseph in the Bible and what happened after his brothers sold him into slavery, and later what happened when he was imprisoned on false charges. I am confident that whatever the outcome of what we try to do, you’ll find the inner strength to keep yourself spiritually, mentally and physically healthy.”

(Freedman reviews prisoners’ claims of innocence, as part of the services offered by the Judicial Process Commission. Freedman’s efforts to assist the wrongly convicted are described in Scott Christianson’s book, *Innocent: Inside Wrongful Conviction Cases*.)



## ‘Frank’ and Permanent Housing

By Mike Blegg

For men and women in substance abuse recovery, life is generally very uncertain and choices are few. Over 50% were abused or severely neglected as children. Most never learned how to deal with life’s difficulties. Love, trust, relationships never existed. Hate, anger, anxiety, and frustration were and are a normal part of life.

Frank (not his real name) recently said, “For many years, I just wanted to survive!” Frank effectively quit learning in first grade. His father repeatedly abused him. He was on the streets early in life. In his late 20’s, Frank shot a man and served 20 years. Post-release, Frank decided to move to Rochester. For over 50 years, he only depended on himself and then only so much. Often, he didn’t want to feel anything. He had already felt too much. As for trust, who can Frank trust; who could he love? What do trust and love mean?

Now, Frank wants to cope. He recently learned to read and write. He doesn’t have to fake reading or anything else any more. He reaches out when he needs to. He does not isolate to hide the pain. He feels his pain and the pain of the people nearest him. He also shares the joy of his daughters’ voices as he talks with them almost every day.

Eighteen months ago, Frank moved to a safe, secure permanent-living apartment building for people in recovery, so he could develop skills to cope. He had all the characteristics of a person who wants to and can bloom. He had:

- previously lived at Freedom House
- been clean a year or more
- had network of friends who help each other
- attended meetings for a long time
- just begun to participate in a spiritual community.

Frank wanted to develop the skills to cope and grow in society as it is. He needed a place where his neighbors wanted the same things. They would not use or invite users into the building. They could play cards, eat; and watch TV together. He could trust them and they could trust him.

Besides his neighbors, Frank worked with a volunteer who valued his inherent goodness. The volunteer helped create an environment for Frank to build the needed skills and responsibilities as an individual and as part of a community. While doing so, the volunteer learned how to:

- work with people in recovery who historically used substances and other people to survive
- minimize co-dependency and enablement as a part of the growth process

A case manager also helped link Frank to the resources, tools, and processes he needed to achieve two or three specific objectives.

Frank's new freedoms, his desire to strengthen past relationships, and to establish a new relationship with his youngest children were exhilarating. Last year he shared Thanksgiving with his oldest daughter and sisters. They had a great time. Love was in the air. Frank shared Christmas with his two youngest daughters and their mom. Tension was in the air. If only he hadn't screwed up over so many years, he could help the kids more. If only.... After Christmas, he came back to Rochester.

Within a couple of weeks, Frank used; he over-medicated and then threw the medicine into the lavatory! His neighbors interviewed him to decide whether he must move out. He said he should leave. "Once you use, you lose." They listened and told Frank, "That's a cop-out. You just want to get out so you can use some more. As long as you are here and we're on top of you, you will be committed to stay clean and to grow." They decided to let Frank stay.

It didn't work! Everyone, the other community members, the volunteer, the case manager, and Frank went on with their individual lives. Life's realities were not consistent with what Frank really needed. After two months of repeated use, Frank went to detox. He cleaned out the chemicals and then spent time in rehab. Mental health treatment and structure helped him learn more about consequences and responsibilities and gain a deeper understanding of who he is and can be.

Frank has moved to another place that has worked out well for him. He likes the other residents and he lives every day with the realities of life. His older daughter gave him a cell phone. One sister had cancer surgery last month; he talks with her almost every day. He talks with his children every day. He jokes and expresses his love.

Over dinner one night Frank talked about a pending relationship with a woman from church. He asked about French kissing. Frank didn't know how to kiss any other way, but she was not comfortable with it. What should he do? Feelings, trust, coping. Image a 57 year old man asking this question!

Recently, Frank called about having coffee and a talk. He needed to deal with his depression. We talked. He made it through the day. He reached out and didn't isolate himself.

Frank will have knee replacement surgery in early December. This Thanksgiving and Christmas, he will stay in Rochester. His friends will invite him over during the holidays. They will visit with him. In late January, he will come to the YMCA. Frank will work out and joke with the guys. He will nod his head in laughter and prayer. Sometime next year, Frank will enjoy visits with his daughters and sisters. He will have fun with friends. He will continue to learn, to act responsibly, and to cope.

(Mike Bleeg is chairperson, Safer Monroe Area Reentry Team, a collaborative dedicated to assisting those reentering from jail or prison.)





## A Farewell Message

From Clare Regan [Editor's note: Sadly, Clare passed away early on Dec. 11, the day we were going to press; a memorial service will be held Saturday, Dec. 16, 2 pm, at Downtown United Presbyterian Church, 121 N. Fitzhugh St., Rochester. The next *Justicia* will feature appreciations of Clare's unsurpassed accomplishments and efforts to build true justice.]

Longtime readers of *Justicia* know I was operated on for esophageal cancer in June 2005. Rather than the standard chemo and radiation treatment, I opted to use naturapathetic means which provided over two years of pain-free quality of life. With the growth of a cancerous node in the fall of 2005, I needed pain medication in order to eat. A nerve block didn't seem a viable option in my case, so I was offered 10 days of intensive focused radiation as a palliative measure. This shrunk the tumor over 60 percent and I was pain free.

All twelve members of my family spent a week together in Ireland in late May. It was a wonderful unexpected gift having everyone together, since my children are scattered from coast to coast.

When I returned, a routine CT scan followed by a PET scan, showed three more cancerous nodes. The only treatment possible was chemo, which I again refused. Quality of life is more important than quantity. Instead, I visited my daughter in Portland, Oregon, who teaches at the Naturopathic College there.

This time there were no miracles. The

cancer has invaded the liver and the end is approaching. I'm hopeful the pain can be alleviated sufficiently so that I can experience the dying process. Dying is a natural occurrence which can be a time of increased healing and bonding for family members.

Even though I have always found it difficult to write, *Justicia* has given me a forum in which I could start dialogues on many too-often-avoided issues. There is no way of knowing if any minds were changed. Injustice reigns, especially in the criminal justice system. I regret that I can no longer be part of the struggle.

Those who have read my articles over the years know that I believe all drugs should be treated like alcohol and tobacco, the two most deadly drugs because of resulting health problems. Rather than prosecuting users of now-illegal drugs, the money would be more productively spent on treatment, accurate drug education, and job training. I'm not encouraging drug use, although I realize that minimal amounts of wine have beneficial health benefits. Marijuana has many medical uses, including reduction of stress with few side effects. Use of pharmaceutical drugs result in more deaths than the illegal drugs combined.

Also I oppose the use of the death penalty. "Why do we kill people who kill people to show that killing people is wrong?" As Sister Helen Prejean says, people are better than the worst act they commit. Society has a right to be free from violence, either by individuals or the state. Some dangerous people need to be held secure for life but under humane conditions. Others, if they respond to mental health treatment, can be released on medication. Far too many are incarcerated for far too long.

And to all prisoners, I'm sorry I haven't been more effective in changing the system. I believe people must be held personally responsible for their actions. Everything can't be blamed on poverty or racism. Offenders owe something to those they victimize. Rarely is incarceration the best solution, except in cases of violence.

There is a need to mentor young people. Eddie Ellis, an ex-prisoner, has studied the issue and understands that community members themselves are needed to work with youth. To effect changes, the political scene must change. Prisoners must educate themselves, their families and friends, and get them to vote for politicians who care about better schools, better jobs and less punitive responses to crime. All politicians are not

alike.

Groups such as the Judicial Process Commission have had success with reentry programs. There is a need to sufficiently fund such groups. As you are aware, prisons don't rehabilitate. JPC provides people who guide people in ways to become drug-free, find jobs or job training, and accompany them during this difficult transitional time. Most of the mentors are volunteers.

I pray that those whom I have offended will forgive me and that some have profited from my work. If there are those who wish to thank me for my efforts, I ask that they make a contribution to the Judicial Process Commission. This is a tax-exempt, low-budget group and one with which I have had the honor of being a volunteer for 30 years, 28 as editor of *Justicia*.

Farewell and peace to all of you...

## **President Bush Should Address America's Nursing Home Crisis**

By Joel Freedman

When President George Bush recently visited my community, I asked him via the Canandaigua Daily Messenger's "Ask the President" column when nursing home reform would become a domestic affairs priority. I sent the clipping to the White House. No reply.

With so many other problems to deal with, is the nursing home issue important enough for our government to place it on the front burner?

Mrs. R, a 78 year old lady with Alzheimer's disease, was raped twice at a nursing home. The first time she was raped by a nursing assistant, Mrs. R suffered broken teeth, severe head injuries and vaginal bleeding. A nurse observed the bleeding, but did not report it to the physician, who sent Mrs. R to a hospital to evaluate other injuries. Because the nursing home didn't inform the hospital about the vaginal bleeding, there was no evaluation for sexual abuse.

Six months later, the same employee again raped Mrs. R. Again there was extensive vaginal bleeding, with no investigation for sexual assault. The rapes were discovered only because the rapist

confessed to his minister, who persuaded the man to turn himself in.

Mr. H, disabled by stroke-related paralysis, developed numerous pressure sores because the nursing home staff didn't regularly turn and reposition him. Lack of needed range-of-motion exercises resulted in severe crippling contractures in his arms and legs. The contractures aggravated the pressure sores. All this necessitated the amputation of Mr. H's legs above his knees. The nursing home failed to manage Mr. H's pain. His pressure sores became infected. This infection developed into septicemia (blood poisoning) which caused Mr. H's death.

The Commission on Safety and Abuse in America's Prisons recommends more surveillance cameras to monitor the correctional environment and to deter abuses that are commonplace at penal institutions. I agree prisoners should have these protections. So should nursing home residents.

Requiring all nursing homes to employ enough staff to provide proper resident care, and imposing tougher sanctions on substandard nursing homes, are among other reforms needed to protect our most vulnerable citizens.

Over 40% of American seniors will spend time as nursing home residents; 25% of us will die in a nursing home.

According to a recent *Consumer Reports* analysis of state inspections of the 16,400 nursing homes nationwide, most could be classified as unlikely to provide good care. Congressional reports indicate thousands of nursing homes are deplorable.

How such a "system" of treating the elderly and infirm evolved is a worthy subject for investigation. Our orientation toward health and youth, deep-rooted non-acceptance of aging and infirmity, lack of effective governmental oversight, political influence-peddling by powerful special interests, and the emphasis on promises rather than performance by a majority of nursing homes, should all bear close scrutiny.

We don't want to believe what happened to Mrs. R and Mr. H could happen to us or to our families and friends. But, as one congressman recently reminded us, "Elder abuse, neglect, and exploitation have no boundaries, and cross all racial, social class, gender, and geographic lines." A national commitment to nursing home reform can help bring together diverse groups of people to work towards a goal beneficial to all.

There should be no wall separating nursing

home residents from us. They *are* us.

## ONE IN EVERY 32 ADULTS Under Criminal Justice Control as of 2005

From the US Justice Department, 11/30/06

As of last Dec. 31 there were 1,525,924 prisoners being held by state and federal correctional authorities, the Justice Department's Bureau of Justice Statistics (BJS) announced... At the same time a separate BJS survey found that the adult US correctional population, including those on probation or parole, reached a high of more than 7 million men and women for the first time. About 3 percent of the U.S. adult population, or one in every 32 adults, were in the nation's prisons and jails or on probation or parole at the end of last year.

Between Jan.1 and Dec.31, 2005, the number of inmates under state jurisdiction rose by 21,534 (1.6 percent). At the same time, the federal population rose 7,290 (4 percent). Overall, the U.S. prison population rose 1.9 percent during 2005 – the same as the growth in 2004. On Dec. 31, 2005, nearly 2.2 million inmates were held in state and federal prisons or county and municipal jails — the equivalent of one in every 136 US residents.

Fourteen states reported increases of at least 5 percent during 2005; 11 states reported decreases. The federal system remained the largest prison system (with 187,618 inmates under its jurisdiction), followed by California (170,676) and Texas (169,003). During 2005, several states experienced significant growth, led by South Dakota (up 12 percent), Montana (up 11 percent) and Kentucky (up 10 percent)...

At the end of 2005, there were 4,162,536 adult men and women on probation. Probationers are criminal offenders who have been sentenced to a period of conditional supervision in the community, generally in lieu of incarceration. During 2005, the probation population grew by 19,070, or 0.5 percent, which was the smallest increase since the survey began in 1980.

There were 784,408 adult men and women on parole as of Dec. 31, 2005. Parolees are criminal offenders supervised conditionally in the community following a prison term. The parole population grew by 12,556 – an increase of almost 2 percent during 2005...

One state, Mississippi, had an increase of 10 percent or more in its probation population

during 2005 (17 percent). Nine states had increases of 5 percent or more. The adult probation population decreased in 15 states. Maine had the largest decrease (9 percent)...

Eleven states had increases of 10 percent or more in their parole population during 2005. Arkansas had the largest increase (23 percent), followed by North Dakota (17 percent). Fourteen states reported a decrease in their parole population. Nebraska (down 17 percent) was the only state with a double-digit decrease.

JUDICIAL PROCESS COMMISSION  
121 North Fitzhugh Street  
Rochester, NY 14614  
585-325-7727; email: [info@rocjpc.org](mailto:info@rocjpc.org)  
website: [www.rocjpc.org](http://www.rocjpc.org)

### VISION

The Judicial Process Commission envisions a society with true justice and equality for all. We understand that in a just society, all institutions will be based on reconciliation and restoration, instead of retribution and violence.

### MISSION

The JPC is a grassroots, nonprofit organization that challenges society to create a just, nonviolent community which supports the right of all people to reach their fullest potential. We do this by:

- Providing support services for those involved in the criminal justice system
- Educating the public
- Advocating for changes in public policy.

### Board Members

Mary Boite  
Jack Bradigan-Spula Editor *Justicia*  
Laurie Hamlin, Treasurer  
Luke Harden, Esq.  
Bob H. Jones, MD  
Gail Mott, Secretary  
John Mourning  
Harry Murray  
Clare Regan, Editor Emeritus, *Justicia*  
Fred Schaeffer  
Mary Sullivan  
Yolanda Wade, Esq., Chairperson  
Louise Wu Richards

### Staff

James Caldwell, Mentor Coordinator  
Susan K. Porter, Coordinator

Judicial Process Commission  
121 N. Fitzhugh Street  
Rochester, New York 14614  
585-325-7727  
[info@rocjpc.org](mailto:info@rocjpc.org)  
<http://www.rocjpc.org/>

NON-PROFIT-ORGANIZATION  
US-POSTAGE  
PAID  
ROCHESTER, NY  
PERMIT No. 1501

**Address Service Requested**

**Many thanks to the following  
generous JPC givers:**

Arthur & Melissa Beckhoefer  
Paul W. Brayer  
Mr. Paul E. Haney  
Mitch Kaidy  
Effective Public Relations  
John Hultberg  
In Memory of Virginia Mackey  
Eleanor J. Siegfried

***Carl W. Christensen***, A.C.S.W., L.C.S.W. (R)

Licensed Clinical Social Worker  
Licensed Marriage and Family Therapist

100 Linden Oaks - Suite 200  
Rochester, New York 14625

- Therapy
  - Organizational Consulting (585) 586-1810 vm#2202
  - Training & Supervision Fax (585) 586-7951
- Email: [carlc@losats.com](mailto:carlc@losats.com)

**Are you interested in helping  
parolees and probationers  
find work and get on their  
feet?**

**Attend Faith Community  
Adult Mentoring Program  
Volunteer Training**

**Mon. & Tues.**

**January 15 and 16th, 2007**

**5:00 to 9:00 PM**

**Friends Meeting House,  
Rochester, NY**

**Call JPC now to reserve 325-7727**