

LEGAL SERVICES FOR PRISONERS WITH CHILDREN

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New offices, new website, and new staff...a year of tremendous change at LSPC. We are delighted to bring you news of our work ...

Wanted—Justice in the Desert: The Struggle Continues for Humane Treatment inside the Skilled Nursing Facility at Chowchilla

"I have witnessed several things that are so inhuman that I just couldn't continue to stand by and not speak out. ."
— Central California Women's Facility prisoner

The Central California Women's Facility (CCWF) claims to play an integral role in the California Department of Corrections (CDC) by providing "specialized mental health and appropriate medical services commensurate with community standards." Unfortunately, the actual experiences of some prisoners within CCWF differ greatly from the prison mandate. Tucked away in the California desert, the Chowchilla facility houses the state's only Skilled Nursing Facility (SNF), where many women incarcerated there are terminally ill and sometimes critically mistreated.

Prisoners, prisoners' rights activists, health care workers, the legal community, and scholars have long lamented the conditions in CCWF's Skilled Nursing Facility. Over the years, many changes have been recommended to improve the quality of care. Last April nearly 100 protestors brought the fight to the prison gates. Among those in attendance were LSPC, Critical Resistance, California Coalition for Women Prisoners, California Prison Focus, Prison Moratorium Project, Amnesty International, and Justice Now.

However, despite national attention from the media and tireless work by prisoners and their advocates, the conditions within the SNF have not

markedly changed. Accordingly, LSPC has been working with our incarcerated clients and other Bay Area prison groups to compel the state's Department of Health Services (DHS) to investigate the SNF.

The concerns raised include:

- Physical and sexual assault by SNF staff
- Delays in administering vital medications
- Emergency call buttons are consistently ignored
- Frequent lock-downs of up to twenty hours a day
- Sheets are not regularly changed—one patient's sheets were not changed for six weeks
- Diaper changing does not happen on a regular schedule
- Certified Nursing Assistants do not regularly brush patients' teeth
- Food is taken away before patients have finished eating
- Retaliation directed at patients who speak out

It is of paramount importance that independent investigations are launched because the 602 appeals process—originally enacted to afford prisoners the opportunity to air their grievances—is acutely flawed. Prisoners have reported their 602s missing, tampered with, or ignored. Perhaps most egregious, an appeal may take up to a year to reach its final destination of the CDC Director's office in Sacramento. For patients in the SNF—some of whom are terminally ill—time is of the essence. Sadly, some may never see the culmination of their courageous efforts.

Furthermore, patients in the SNF who lodge individual complaints often face serious retaliation. Recently, a diabetic who lives in the SNF where she is supposed to receive regular monitoring of her blood sugar levels spoke to a DHS representative about the facility's quality of care. The following day she was placed in the general population and, shortly thereafter, suffered a hypoglycemic attack because

her blood sugar levels were not properly managed. She has also reported to LSPC that on one occasion she approached the infirmary doctor to receive her insulin shot, only to be told that she needed a pap smear. After reminding the physician that she had been given one the previous month, he responded, “no pap smear, no insulin.” In March, Justice Now lodged a complaint on behalf of a SNF patient who was physically assaulted by a male nurse while having a seizure. After informing the nurse that she would report him, she was remanded to Administrative Segregation.

Patients in the SNF who have been the victims of retaliation often feel bullied into silence. But some prisoners, like Dee Garcia who suffers from multiple illnesses, have been courageously outspoken. After filing several complaints concerning her treatment in the SNF, prison officials transferred Ms. Garcia to Valley State Prison for Women (VSPW) located across the street from CCWF. This prison does not house a SNF and, therefore, is ill-equipped to render long-term patient care. En route, Ms. Garcia’s oxygen supply ran out, prompting her to experience severe chest pain. Once inside VSPW, prison staff prevented her from meeting with attorneys from Justice Now who, upon arriving there, were informed that Ms. Garcia had refused their visit. On another visit, LSPC staff discovered that Garcia had no personal property; missing were her eye glasses, writing materials, and legal paper work. Only after a letter writing campaign mounted on her behalf was she transferred back to CCWF. (NOTE: At the time of this writing, Ms. Garcia has once again been moved back to VSPW.)

In a letter to LSPC, Ms. Garcia writes: “If we were [on the outside] we’d be protected by the law. But we’re in here where no law exists to keep us alive.”

Early this year LSPC received a letter from a prisoner at CCWF indicating the extent of the inhumane treatment within the SNF. She wrote: “As a human being I could not stand by and watch my fellow inmates suffer and be placed in situations that deny them medical attention to the point of death.” According to the porter, a terminally ill patient was denied a breathing machine. Some have been misdiagnosed. Others have been denied medication: an outside specialist prescribed a specific medication, only to have the order changed by the internal prison staff.

Unfortunately, abuses within the SNF are not new. Complaints about the quality of care date back to CCWF’s inception in 1990, culminating in the 1995 class action lawsuit *Shumate v. Wilson* (see tribute to Charisse Shumate). *Shumate* charged that the medical staff at CCWF and the California Institute for Women in Frontera (CIW) displayed a “deliberate indifference” to the health concerns of prisoners tantamount to cruel and unusual punishment. The suit was settled in 1997 and the state was exculpated from any wrongdoing in exchange for agreeing to upgrade the prison health care system.

The post *Shumate* progress, however, was barely discernible. In 1998, CCWF and CIW were cited for various violations, and ultimately failed an inquiry by state-appointed evaluators. Despite opposition from plaintiff’s counsel, the case was dismissed in August 2000. Later that year, after a rash of nine deaths occurred in just eight weeks, CCWF received national attention from, among others, the *Los Angeles Times*, the *Chicago Tribune*, and *Mother Jones* magazine. One death involved a thirty-three year old woman with chronic asthma. Doctors at the University of California-Davis said this death could have been prevented if the woman’s inhaler had been accessible to her or if CPR been administered more quickly.

However, there has been some progress made in wrongful death suits. Represented by Justice Now, the family of CCWF prisoner Rosemary Willeby received a \$225,000 settlement this year. Willeby, who died on October 22, 1999 suffered from Hepatitis C and liver disease. Although she presented no symptoms, Willeby was placed in a tuberculosis program by the CCWF staff and was prescribed anti-TB medications that have proved toxic to some patients afflicted by various liver diseases. Cynthia Chandler and Cassandra Shaylor, co-directors of Justice Now, have said that the CCWF staff ignored Willeby’s repeated requests to see a specialist until ten days before she died.

Additionally, there has been some progress in mounting class action suits. The settlement of *Plata v. Davis*—the largest class action lawsuit on prison conditions to date—was filed on January 29, 2002, claiming that state officials operating the largest prison population in the nation displayed a “deliberate indifference” to prisoners’ health care needs. The settlement stipulates a total reevaluation

of the state's procedures, including a significant allocation of funds over the next several years in order to meet the standards set by an independent medical panel that has been empowered to oversee the state's progress. This suit was brought by several named plaintiffs representing all prisoners who are currently, and will be in the future, the custody of the CDC (with the exception of Pelican Bay State Prison).

However, while the Plata settlement appears to have far-reaching implications, none of the named plaintiffs was a woman so medical care issues specific to female prisoners such as gynecological/pregnancy concerns (particularly for those also living with HIV/AIDS and Hepatitis C) were silent in the settlement. In response, LSPC filed an objection and remains committed to addressing systematic deficiencies within the CDC health care system in general, and redressing the medical-related abuses suffered by incarcerated women in particular.

Incarcerated at CCWF, Dee Garcia has asked: "I was wheeled in here in an ambulance. Will I be wheeled out in a hearse?" LSPC will focus on these issues until the women of CCWF and those housed at all California prisons will not have to ask this question. We hope that one day, women confined to the Chowchilla desert—far away from both their families and the world that exists outside the prison walls—will no longer want for justice in the SNF.

Sherrie Chapman Update

Sherrie Chapman is incarcerated at the California Institution for Women in Corona, California. She is forty-five years old and is battling metastasized breast cancer. On Wednesday, June 26th, accompanied by LSPC staff attorneys, Sherrie went before the parole board for the third time. Two commissioners conducted her hearing and after deliberating for one and a half hours, rendered a split



decision—one commissioner voted for Sherrie's release on parole and the other decided that Sherrie should be given a one year denial. Because of this split decision, Sherrie's case will now go before the full Board of Prison Terms in August 2002. LSPC staff and

Sherrie's family will urge the Board to grant Sherrie a parole date so she can continue her fight outside the walls.

LSPC on the Web

LSPC continually updates our website <http://www.prisonerswithchildren.org> with current events, court cases and legislation, campaigns, and first-hand accounts of life inside the California prison system. The website also provides links to other relevant sites that monitor the prison-industrial complex and other social-justice issues. LSPC is proud to report that over a five-month period this year, we received 17,820 hits from the United States, the Middle East, Europe, the Balkans, and Asia! We recognize that the global community is growing, and we hope to evolve with it. It is important to us to maintain both a socially relevant and user-friendly website, and we welcome suggestions from our worldwide constituencies. Ultimately, we want to increase global awareness about the impact of prisons on incarcerated women, men, their families, and society as a whole. This issue knows no borders.

A particularly popular portion of our website is the Publications section where you can download our *Incarcerated Parents Manual* (in English and Spanish), *Manual for Grandparent-Caregivers and Their Advocates*, *Suing a Local Public Entity*, and *Transportation to Court*, in addition to smaller flyers and pamphlets. Alternately, you may download an order form and we will mail you a printed copy of any of these extremely helpful manuals.

Charisse Shumate – 1954-2001

Both the human community generally, and prisoners' rights advocates specifically, suffered a tragic loss with the passing of Charisse Shumate.

Charisse died from complications due to sickle cell anemia, Hepatitis C and Hodgkin's disease on August 4, 2001. An impassioned attempt by LSPC and Justice Now, among others, was made to secure Charisse a brief taste of freedom under the Compassionate Release Statute that allows patients with a terminal diagnosis to spend their last days on the outside.

The California Department of Corrections (CDC) and Warden Gwendolyn Mitchell of the Central California Women's Facility (CCWF) approved Charisse's release, but she remained on the

inside until her death—confined to the infirmary unable to bathe herself or walk without help—because the final arbiter, Governor Gray Davis failed to sign the petition. While the governor’s office denied any malice and claimed that when Charisse died, Davis was “in the process of conducting a thorough commutation administration particularly granting



Those Charisse be familiar plaintiff in the 1995 landmark federal lawsuit *Shumate v. Wilson* that charged the CDC with gross medical neglect. Others may have known Charisse for her unflinching activism in prison: in addition to the lawsuit, Charisse also worked for the Women’s Advisory Committee, talking with and counseling prisoners and staff about their problems. As a victim of domestic violence, Charisse implemented one of the first battered women’s programs in prison, and was also a founding member of the California Coalition for Women Prisoners (CCWP) that brings together activist women on the inside and their counterparts on the outside in solidarity. Despite receiving little in the way of education, Charisse was a frequent contributor to the *Fire Inside*, CCWP’s newsletter. In it, Charisse wrote eloquently about prison conditions, fellow prisoners, and her own remorse for the crime she committed. For those who knew Charisse personally as a friend and sister in the struggle, she was an inspiration: “Despite her pain and desperate conditions of her confinement,” LSPC staff attorney Cassie Pierson writes, “Charisse carried herself with grace.” And above all, the people close to her knew Charisse’s smile that could “light up a room. . . . Even when she was very ill, she’d smile and ask how we were doing,” Pierson remembers. “Her concern about everyone was heart-warming. Her empathy for the suffering of others was heart-felt.”

Charisse Shumate was one of the longest surviving sickle cell anemia patients in the CDC’s custody. But she was by no means defined by her disease. She was defined by what she fought for: Charisse was often referred to as a woman warrior—a steadfast advocate for human rights in general, and for those rights that she and her fellow prisoners

review for of sentence,” this has been virulent about not parole.

who did not know personally may with her as lead

should have been entitled to, and were often denied. Perhaps most important, despite her dismal surroundings, the psychological scars stemming from her abused past, and the guilt she carried around for her crime, Charisse was defined by that ubiquitous smile that garnered her the nickname “Happy.”

Around the time of *Shumate v. Wilson*, Charisse wrote “If Walls Could Talk” for the *Fire Inside*: “... have [they] forgot we are human? If walls could talk we would not have to beg for help. . . . We made a mistake, one that we are paying for. But for those who believe we must pay with our lives, may god bless you, because he sees our cries, our pain ... Until there is no breath in my body, I will roar the words HELP stop the killing because we are the forgotten ones.”

Charisse Shumate did roar until the end. That she died inside, without her family’s comfort, is an outrage; but the way she lived—fearless, determined, principled, compassionate, and almost always wearing a smile—could never be forgotten.

Staff Attorney Olivia Wang Breaks New Ground in Domestic Violence Advocacy

With LSPC since August 2001, Olivia Wang has brought renewed energy, commitment, and passion to the California Coalition for Battered Women in Prison (CCBWP).

Close to 600 women in the California prison system are incarcerated for killing their abusers, and California houses the largest female prison population in the nation. The majority of women who kill their abusers primarily do so as a last resort to protect their own lives or those of their children. These women often receive harsher sentences than do their male counterparts who commit similar crimes. Furthermore, close to eighty-five percent of women in prison have been the victims of domestic violence or some form of sexual abuse.

It is important to Olivia that CCBWP’s work emphasizes that the majority of incarcerated survivors were already marginalized prior to their incarceration—economically, racially, or otherwise—and that this may limit their ability to quell the abuse they suffer. Imprisonment simply adds another layer of marginalization.

Olivia was drawn to the issue of incarcerated survivors while participating in domestic violence

clinical work while in law school at the University of California–Berkeley. There, Olivia experienced how important and rewarding the work was. However, she also developed a keen sense of frustration: she felt that too much of the work being done was simply preventative—affixing a temporary “band-aid” instead of addressing the issues systematically. Then Olivia took a class from Professor Nancy Lemon who was involved with CCBWP. This introduction afforded Olivia a new framework to conceptualize domestic violence, and her home at LSPC has allowed her to clarify this vision.

One of Olivia's current projects in addition to the California Penal Code that allows women who either entered guilty pleas or were convicted prior to 1992



convictions because they did not benefit from Battered Woman's Syndrome testimony. This new code is a victory. However, some incarcerated survivors do not meet the criteria. For example, women convicted of conspiracy charges, who may have been coerced, cannot challenge their convictions under the current language of the code.

According to Olivia, there has been a substantial increase in the number of survivors of domestic violence who have been recommended for parole. Indeed, the only two lifers who have been approved for parole by Gov. Gray Davis were survivors.

These accomplishments make Olivia's position rewarding. But what Olivia cherishes most is her interaction with incarcerated survivors of domestic violence: “I am inspired every single day by all of the insightful, compassionate, and truly amazing women I work with. I would like to thank them for educating me. I feel really fortunate to work with them on a daily basis.”

LSPC is grateful to have Olivia: “I am thrilled that Olivia has joined the LSPC team,” says Heidi Strupp. “She brings thoughtful insights, incredible energy, and a fierce passion for social justice. I am tempted to call her a one-woman army, but one of Olivia's strengths lies in her commitment to building a movement larger than herself and envisioning new strategies that put women prisoners at the center of

her work. I am honored to stand beside her as a comrade in this struggle for prisoners' rights.”

You can reach CCBWP at LSPC, Ext. 6. Or check out the website at www.prisonactivist.org/ccbwp.

Help Wanted

Staff Attorney for a small but very active legal advocacy agency working with prisoners, their children and family members. Our focus is on family law as well as conditions of confinement, primarily medical care and sexual assault.

Following are the duties for this position:

- Develop/expand the litigation capacity of LSPC. Coordinate and develop a legal panel of attorneys in conjunction with on-staff legal investigators.
- Coordinate trainings for legal services and pro bono attorneys (implement existing and expand/create new trainings).
- Participate in prison visits approximately once a month, investigating complaints of conditions of confinement and proposing litigation/legal strategies.
- Assist staff in supervision of interns doing litigation-oriented internships as needed.
- Work with staff and directors to determine other needed legal strategies.

Requirements: Strong commitment to and experience with social justice issues and public interest law; ability to work well with others, including an active and independent multi-racial staff; ability to speak Spanish strongly preferred (although not required). People of color and women strongly urged to apply.

Salary: DOE, plus excellent benefits/vacation/flexible hours

Contact Karen Shain at Ext. 313, if you are interested.



Summer 2001 Interns Speak ...

“I came away from my first year of law school totally disillusioned by the supposed ‘objectivity’ of the law ... I really needed a job that would help me remember why I came to law school. LSPC was a breath of fresh air. As a staff, I couldn’t have imagined a better group of people to work for... You all invigorated my political spirit and left me with a strong desire to go back to school, continue this work ... and fight for a change in societal attitudes around prison issues.” – Erica Zunkel, Boalt Hall School of Law, University of California-Berkeley

“I’ve learned a lot at LSPC, but very personally, it’s been about me growing into a community that I needed, and that hopefully I can offer some help to as well. LSPC has set my priorities in order about what I must do with my time and [working here] has strengthened my resolve to fight for social justice.” – Daniel Schleifer, Brown University

“The internship gave me new insight into how the law works and how to use the law to pursue social justice. It has confirmed my desire to devote my life to helping others... I’ve learned much more than I ever could in the classroom.” – Orianna Dutka, Yale University

Legal Services for Prisoners with Children has taken a leading role in defining legal issues regarding incarceration in political terms. While never losing sight of the individual legal needs of our clients, we attempt to provide a broader structure for combating the growth of the prison industry. Our work continues in many ways. And, as ever, we need your help. If you are an attorney who would like to take on *pro bono* work representing an individual woman in a case for damages or on a family law matter, or if you are a student who wants to intern with us or you have time to volunteer, please contact our office. The work we do is exciting, challenging and important.



YES, We can make a difference.

I want to support the work of LSPC on behalf of prisoners, their children and family members.

I am enclosing a contribution of:

\$25 \$50 \$100* \$500* other*

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Contributions to LSPC are tax deductible. Please make your check payable to:
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*Contributors of \$100 or more may receive our video, “Truth to Power: Women Prisoners Testify at Legislative Hearings”