

8/30/2016

Dan Ruben
Executive Director, Equal Justice America
Building 2, Suite 304
13540 East Boundary Road
Midlothian, VA 23112

Dear Mr. Ruben,

Through the support of the Equal Justice America Fellowship, I spent ten weeks over this past summer (the summer of 2016) as a Legal Intern with the Prisoners' Rights Project (PRP), a sub-entity of the Legal Aid Society in New York City.

PRP addresses conditions in New York City jails and New York State prisons through a combination of strategic litigation and less formal advocacy efforts with the relevant correctional authority (the Department of Corrections in New York City and the Department of Corrections and Community Supervision in New York State). Though the number of challenges this country faces in terms of its criminal justice system are too numerous to describe and analyze in this letter, it should come as no surprise that conditions in jails and prisons are deplorable, violence is rampant among both inmates and correctional staff, and human rights abuses are unfortunately commonplace. PRP attempts to address both the short-term needs of those currently incarcerated while also keeping an eye towards long-term, systemic change.

I was assigned to state-level initiatives, and a large portion of that work focused on advocacy for individual clients. PRP receives between 100-150 letters each week from individuals currently in State custody throughout New York, who are experiencing a problem with the conditions inside prison. Issues span from the lack of medical care or the provision of religiously appropriate meals, to the lack of legally mandated accommodations for transgender individuals. PRP attempts to respond to as many letters as possible and, where appropriate, advocate to have the state prison authority adjust its actions with regards to that particular prisoner. These efforts take shape through letter-writing: a slow process that only rarely reaps rewards; however, for those who do receive the needed CT scan or protective custody arrangement, PRP's efforts are invaluable. Over the course of the summer, I wrote advocacy letters and responses to over 55 clients.

Many of the clients whose stories touched me the most I communicated with only via letter. One client stands out in particular. On my first day, I was assigned a client who had rescinded his membership in a gang and, as a result, was being continually targeted by other inmates. In fact, he had been jumped several times over the past few nights. The client had injuries from these attacks, was unable to sleep at night for fear of further attacks, and only wanted to serve his time in peace so that he could get home to his family. This client had a judge-mandated order to be placed into protective custody – a status akin to solitary confinement, for the purposes of keeping a particularly at-risk inmate safe – yet the prison refused to acknowledge this order. Throughout the summer, I liaised between the client, his mother, the prison, and the state prison authority in order to have the client moved to a facility where he is safe and sufficiently protected by the correctional staff who are supposed to protect him. I was ultimately successful in my advocacy efforts, and the client was moved to a Facility where he was no longer being targeted by other inmates. However, it was a heartbreaking experience to see that the very system that is supposed to protect and “rehabilitate” these individuals only serves to further the isolation and unfair treatment that this individual received as a result of systemic injustice outside of prison.

In addition to the advocacy efforts, I spent significant time on three other cases at various stages of development. The first was an investigation into the use of force (brutality) by state correctional officers on inmates, and I interviewed clients, submitted Freedom of Information Law requests, and reviewed medical records. Many of these cases touched me deeply, as well, as clients were targeted by staff simply for speaking up for themselves and knowing their rights. Though an individual convicted of a crime may be sentenced to time in prison, that sentence does not include abuse by the very individuals who are supposed to be protecting you.

The second case to which I was assigned dealt with the provision of accommodations to legally blind and severely visually impaired prisoners. This case was in a monitoring phase, as a private settlement agreement was in place. The agreement was set to expire during the summer, but provisions allowed for the potential extension of the agreement if the state had failed to comply consistently with its terms. Ahead of the negotiation with the state prison authority and the Attorney General to extend the term of the agreement, I reviewed document production, analyzed PRP's evidence against the State, and compiled the material into an easily-referenced guide for the negotiation itself.

Lastly, I worked on a case regarding medical treatment for prisoners with severe health conditions. In this case, the judge had recently vacated the consent decree and the State was methodically removing all accommodations for these individuals. I conducted client interviews in an attempt to ascertain the facts, and then drafted an extensive advocacy memo to the state prison authority and the Attorney General's office about the need to reinstate the former procedures.

In both of these cases – the vision impairment case and the case on medical treatment for prisoners with severe health conditions – it was emotionally challenging to witness how the correctional system treats these vulnerable populations. The physical disabilities that these inmates experience make them less able to advocate for and take care of themselves, and it was a meaningful aspect of my summer to contribute to these cases that are seeking to foster high-level reform for this country's most vulnerable.

In addition to gaining the practical skills of how to approach a negotiation, handle sensitive client interviews, or approach a relationship with co-counsel, I also had a highly reflective and intellectual experience. Engaging with prisoners is emotionally challenging: they face such terrible conditions, and it is hard to see someone who was so clearly failed by our society to be again failed by the system that is supposed to protect them and "rehabilitate" them. But it is also emotionally challenging from a personal perspective as a human rights advocate, and I found myself ruminating on philosophical questions throughout the summer. For example, what makes someone 'good' or 'bad'? Is it really the presence or absence of one, discrete criminal act? I had so many moments of sitting across the table from a client, building a relationship with someone who was intelligent, self-educated, passionate, and kind, only to later learn that he had been convicted of horrendous crimes. I struggled seeing inmates in visiting rooms sitting across a table from their families, on the one day a year that their families could manage to take the eight hour drive upstate to visit. Does it really make sense to isolate an individual who committed a crime from their family at the exact moment in their lives when they likely need familial support the most?

I come out of this summer with a new understanding of the problems facing the American criminal justice system. I come out of this summer with a renewed passion for alternative justice practices and restorative justice principles that focus on community building and changing the stigma around people who have committed crimes. I come out of this summer with greater self-understanding that I want to devote my career to long-term, systemic change in the interest of this country's most marginalized.

My summer was emotionally exhausting, challenging, and intimidating. But it was also exhilarating, informative, and career-affirming. Thanks to the support of the Equal Justice America Fellowship, I feel re-committed to a career in public service. If, as the old adage goes, saving a life saves a whole world, then I suppose improving a life improves a whole world, as well. I am grateful for the opportunity to have begun to help make those small differences, and look forward to a future committed to the same effort.

Sincerely,

Rachel Gillette
Fordham Law School, class of 2018