

Conscious Prisoner ~ The Evolution of Uhuru

Exploiting and Extorting Prisoners in Virginia for Profit

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Imagine this: You have slaved hard on your lousy job where you are overworked, underpaid and under appreciated. But, somehow, you've manage to maintain your sense self-respect, self-worth, and dignity. You eagerly anticipate receiving your paycheck at the end of the week, and rightly so! Your mortgage or rent is past due. Your refrigerator is almost empty. Your children need school supplies. Your car needs fixing. And when it's all said and done, you'll barely have enough money to pay off your student loan and credit card debt. You make your way to your boss's office to receive your paycheck. As you examine it to see how much of YOUR money the government (and even your boss) stiffed you out of this time, something catches your eye: Your employer— under instructions from the government, he/she explains— has deducted 10 percent from your earnings to be stored in a government-controlled personal trust account until it has a balance of \$1,000 and which will be payable to you at an unattainable age (e.g. 100-years-old). Even worst, your employer invests this deductible in stocks and bonds and any increments or profits derived therefrom will be used for their own personal pleasure or benefit. Wouldn't this obvious extortion and exploitation make you mad as hell and ready to strike?

Well, this is how incarcerated people feel in the Virginia Department of Corrections (VADOC) when this "10 percent" is deducted from the funds sent to us by our loved-ones (many of whom are poor or working-class people) and from the slave wages we make from prison jobs which pays as little as .35 an hour.

Per Virginia Code 53.1-43.1, "In additional to any other account established to hold funds for inmates, the Department of Corrections shall establish for each inmate a personal trust account. Unless an inmate has been sentenced to be executed or is serving a sentence of life without the possibility of parole, 10 percent of any funds received by an inmate from any source shall be deposited by the Department in the inmate's personal trust account until the account has a balance of \$1,000. When the inmate's personal

trust account reaches \$1,000, any funds received by the inmate shall be deposited in the inmate's other account... Funds in an inmate's personal trust account shall be paid to the inmates upon parole or final discharge."

Yeah, I know! Hundreds of thousands of people are released from prison back into society every year with little more than the cloths on their backs. Without family support, gainful employment or other means of income, many become homeless on one of America's many skid rows, or the inevitable happens: they revert back to the criminal lifestyle for a source of income just to survive and help take care of their families which invariably leads them back through the ever revolving doors of mass incarceration. So leaving prison with \$1,000 eases the stress for many formerly incarcerated people trying to transition back into society.

So what am I complaining about? The above Code allows an exemption for those people sentenced to death or a life sentence without the possibility of parole because presumably they will never be released from prison to spend it. But this exemption, however, does not extend to those of us serving numerical or de facto life without parole (DLWOP) sentences.

Because Virginia abolished parole for all felonies committed on or after January 1, 1995 and mandates that every person serve a minimum of 85% of his/her sentence, any prison term of forty-five years or more is (in theory and practice) a DLWOP sentence. Commonsense dictates that those of us serving DLWOP sentences should be exempt from any deductions of our incoming funds for a personal trust account. Ten percent deductions are being subtracted from the funds of prisoners who are seving as much as 150 years without the possibility of parole.

Why? Well, anyone with a basic understanding of capitalism knows that its basic functions are to exploit and extort those subjected to it...and incarcerated people aren't immune. The use of this personal trust account is just one method among many schemes designed to extort and exploit us for our money.

For example, I am sentenced to a 93-year DLWOP sentence. State truth-in-sentencing law requires that I serve no less than 85 percent of my sentence. This translates to me serving a mandatory minimum of 79.5 consecutive years before I can satisfy my sentence. During this 79.5 years, the VADOC, under authority of the VA Code 53.1-44, is free to draw interest from and invest my \$1,000 in various stocks and bonds. This is guaranteed profits over the duration of my DLWOP sentence and it is well calculated by prisoncrats. This obvious scheme is made legal via the following 1982 state law.

VA Code 53.1-44 says that "Portions of funds held by the Director [of the VDOC] or by any state correctional facility, which belong to prisoners may, in discretion of the Director, be invested in bonds of the Commonwealth of Virginia or of the United States or in federally-insured investments. In determining how to invest the funds, the Director shall balance any long-term investments with those which permit ready accessibility to the funds. Any income or increment of increase received from the bonds or investments may be used by the Director for the benefit of the prisoners under his care."

What is illegal is what these profits are not being used for the benefit of prisoners. Per this Code, all profits derived from investments or interests of our funds are to be used for the benefit of prisoners. As the following shows, this is not being done!

We are living in inhuman conditions here at Sussex II State Prison. To name just a few:

1) We are forced to bathe in showers infested with bugs and toxic black mold;

- 2) Our meals are served on antiquated trays that are cracked and peeling which puts our food in jeopardy of being contaminated with toxic plastic particles and other bacteria and pathogens;
- 3) Our food portions has been cut nearly in half resulting in lost of weight, undernourishment and malnutrition;
- 4) We are subjected to sub-par medical care which is deliberately indifferent to our serious medical needs;
- 5) We are forced to drink water which is discolored and infested with high levels of rust, iron, manganese, lead and other contaminants;
- 6) We are denied access to books and computers in the regular library because, according to the prison administration, there is no full time librarian;
- 7) The law library is inadequate because it lacks basic computers and typewriters, forcing us to laboriously handwrite our motions, appeal briefs, and petitions which can number as many as 200 pages;
- 8) Educational, vocational, treatment and mental health programs have been cut and the ones that remain are tailored to the needs of short-time prisoners ONLY, to the exclusion of those of us serving lengthy prison terms;

As the above shows, very little of the profits gained from the interests or the investment of our funds in, stocks, bonds, etc. by the VADOC is being used for the benefit of prisoners. So, the question is, where is this money being used? We don't know because there is zero transparency in regards to matters such as this. We prisoners are locked away, forgotten about, and isolated from society while the media and the government controls the narrative that we're all animals who "deserve what we get." The truth is that the lives of people in society are intricately intertwined with those of us in prison.

It is YOUR tax dollars that are used to build these toxic and torturous prisons. It is YOUR tax dollars that pays the high salaries of prison employees while public school teachers can't get a decent pay raise. It is YOUR tax dollars that pays the salaries of politicians who lobbies for the continued funding for prison construction while neglecting public schools and community-based programs. It is YOUR tax dollars that are used to pay damages when a prisoner is successful on a lawsuit challenging unjust and inhuman prison conditions. It is YOUR tax dollars that pays for the autopsy of mentally ill prisoners who commit suicide because of inadequate or ineffective mental health treatment. And it is society that ultimately pays the price when a person leaves prison after years of abuse, mistreatment, torture and NEGLECT suffered at the hands of VDOC employees and commits another crime.

This penal system is no longer concerned with reform or rehabilitation. It is a system that's designed to intentionally fail us for nefarious reasons. The equation looks like this: Lack of rehabilitation programming=recidivism=job security, increased profits, and more prison construction.

It is said that the day when oppressed and marginalized people begin to stand up and say "No More!" that is the day when we come alive. How can you begin to come alive? Call your state delegate or senator and the VDOC Director, Harold Clarke, at 804-674-3000 or by email at director.clarke@vadoc.virginia.gov and express your concern about the treatment and living conditions of incarcerated people here in Virginia. DEMAND that we have access to clean drinking water, healthy and nutritious foods, adequate medical and mental health treatment, sanitized showers and living quarters, effective up-to-date educational, vocational, and other rehabilitation programs. DEMAND an

end to the 10 percent deduction of funds for a savings account from the incoming funds of prisoners serving DLWOP sentences. DEMAND to know where the profits gained from the interests and investments of our funds in bonds of the Commonwealth of Virginia or federally-insured investments is being used per VA Code 53.1-44.

The Power of the People can move mountains!

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