

# OFFENDER WORK PROGRAM DISCRIMINATION

by Jeffery J. Gardner

The qualification and job assignments in VDOC, are arbitrary and unnecessary, especially when it comes to anyone convicted of a sexual offense.

The Code of Virginia §53.1-32, §53.1-32.1, and §53.1-41, states that the general purpose of the states correctional centers is to provide proper employment, training, and education ... the director shall assess all inmates according to background, aptitude, attitude, education, and risk, and based on that assessment place inmates in proper full-time program assignments ... participation shall be mandatory... from July 1, 1998, and thereafter an average of 40 hours per week ... the director shall provide inmate with opportunities to work...

During the last 15 years of my incarceration I have been denied every 40 hour per week job. This includes the kitchen, laundry, law library, library, commissary, etc. In fact I'm denied all jobs outside of the housing unit, including picking up trash on the Rec. Yard. Inmates with convictions for murder, attempted murder, malicious wounding, assault, battery, etc... can work these jobs, but no one with a sexual offense.

I didn't get to choose what I was charged and convicted of. It was beyond my control, but I did what I could to prevent it. I am 1 of 5 men who have been falsely accused by the same woman over a 20 year period. I turned down a written plea for 7 months to serve with 5 years probation and was then offered 45 days to serve with 5 years probation. I went to a jury trial that ended in a hung jury, which angered the court because they couldn't impose \$7,000.00+ for fines and court costs. I was tried a second time and received 500 years, the longest sentence in the counties history.

I supposed that I will be warehoused in a cell or pod for the rest of my life with nothing positive or productive to do.

I have explained to staff that I'm a High School graduate, Army Veteran with an honorable discharge, and that I've completed vocational trades in Masonry, Heavy Construction Equipment Repair (62B), and Custodial Maintenance.

I've completed Anger Management, Breaking Barriers, and Thinking for a Change.

My CORIS ASSESSMENT is; Supervision Level: LOW, Risk of Recidivism: LOW, and Risk of Violent Recidivism: LOW

I'm a Medical Class-A and Mental Health-O.

In 15 years of incarceration I haven't engaged in any fights, gangs, drugs, sexual acts, tattooing, gambling, etc.

I'm a member of the Veterans Support Group.

I'm a member of American Legion Post 775, where I was elected and hold the position of 2nd Vice Commander, sit on the Executive Committee, and chair the Americanism Committee.

I have a lot of support from my community and 526 people signed my petition for clemency, including police officers, VDOT employees, EMS workers, a court clerk of 40+ years, and many others. Even family members of my accuser.

I feel this should alleviate some of staff's hatred and animosity, but it doesn't.

~~The same security that keeps murderers from murdering,~~

The same security measures that allows inmates with murder, malicious wounding, assaults, etc. to work should suffice to allow inmates with sexual offense work, at least at some point.

When people ~~of~~ convicted of sexual offenses leave prison they will work around females, so why can't they while in prison.

A person is more likely to be wrongfully convicted of a sexual offense than any other crime, because only an accusation is needed to convict. We see cases all the time that are being overturned and the majority is for sexual convictions. Read up on some of Virginias wrongful convictions in the book "I AM INNOCENT."

Recidivism rates are around 70%<sup>+</sup> for drug offenses, 60%<sup>+</sup> for property crimes, 50%<sup>+</sup> for crimes against persons, and 7% for sexual offenses.

~~The~~ Inmates in VDOC, need some protection from arbitrary denial of jobs. Especially, if they have a good record in the system.

VDOC, gets the same \$27,227.<sup>00</sup> per year to house inmates with sexual offenses as it does for other crimes and the work and pay opportunities should be the same.

I'm employed in the pod for \$15.<sup>00</sup>/month. The kitchen, laundry, yard, Rec. dept., etc. pays \$54.<sup>00</sup> - \$100.<sup>00</sup><sup>+</sup>/month. This barely covers my hygiene, stationary, and postage.