

## A Voice for Prison Reform

By Nigel Hatton, MFA '01

**If torture in Abu Ghraib draws your ire,** you might also wince at the treatment of prisoners in your own backyard.

More than 170,000 people are housed in 33 California prisons and juvenile centers designed to hold half that number. In 2005, a state judge found that one inmate died every week due to inadequate medical care. Prison reform advocates and state judges who rule in their favor agree that the system—which costs taxpayers \$10 billion per year—is in serious disrepair. Some prisons make Alcatraz, now a museum, seem new. Even Gov. Arnold Schwarzenegger has proclaimed state prison conditions an emergency.

If not for a nonprofit organization called the Prison Law Office (PLO) the death toll might be even higher, the overcrowding even greater, the

individual cases. A newly minted lawyer with progressive ideas, Specter had passed the state bar exam and figured he would help out the PLO while applying for work as a lawyer.

He never left for that new job.

After four years he became director of PLO, which now occupies an office along the bay a short walk from San Quentin State Prison and has 12 full-time attorneys supported by a staff of secretaries, paralegals, contract attorneys, and interns.

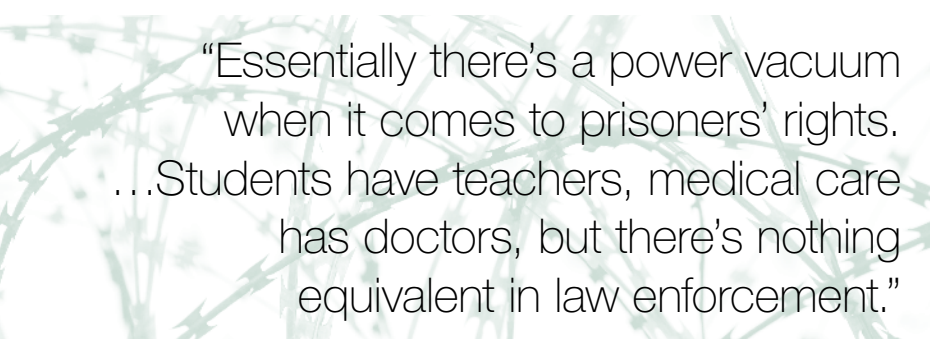
“I became a lawyer because I was interested in social justice—improving the lives of people, doing something to help people, being an agent for social change,” says Specter, who was named USF School of Law Alumnus of the Year in December. “Working for corporations? That’s something I never even thought about.”

California’s deteriorating prisons, home to the second largest prison population in the world (behind only the U.S. federal prison system), keep the PLO offices filled with activity. The nonprofit is currently the lead counsel for plaintiffs in two high-profile cases, *Plata v. Schwarzenegger* and *Coleman v. Schwarzenegger*, which seek to place a cap on the California prison population. The *Plata* case aims to demonstrate that prison overcrowding prevented the state from providing adequate health care to inmates, while the *Coleman* case addresses the provision of mental health care.

“We filed this motion a year ago, one month after Gov. Schwarzenegger proclaimed an emergency because the prisons were so overcrowded,” he says. “The governor stated that prison overcrowding increases violence, creates health hazards and adds to risk of a serious riot.”

Overcrowding also reduces space for rehabilitative programs known to reduce crime, and affects the prison’s ability to discharge waste and meet environmental standards.

“If the court grants our motion and issues a population cap, it will have profound consequences for the criminal justice system,” Specter says. “It will require those who decide sentencing policies



“Essentially there’s a power vacuum when it comes to prisoners’ rights. . . . Students have teachers, medical care has doctors, but there’s nothing equivalent in law enforcement.”

conditions even worse. Led by Donald Specter, JD '78, the PLO brings class action suits against the state, suits which have forced the Department of Corrections and Rehabilitation to provide inmates with adequate health care, access to facilities for the disabled, and the right to serve their sentences free from excessive force. The office also represents inmates, from whom it receives hundreds of letters each week, in the areas of parolee rights, sentencing reform, and environmental conditions.

Specter began as a volunteer at the office in 1979. The three-year-old organization then featured a staff of two attorneys, and focused mainly on

and those who send people to prisons to view prison cells as a scarce resource.”

“It is my hope that this realization will produce an effort to create a rational and efficient sentencing scheme in California, one where sentences are proportional to the crime and each other.”

You can imagine the flack the PLO catches for advocating on behalf of prisoners (“prisoners are unpopular,” Specter says in a voice as unassuming as the bare walls of his office), but you would be surprised by his list of supporters. Prison wardens cite the political nature of prisons in California as the reason why they sometimes cannot make changes and improvements to their own facilities. But when a court decision forces their hand, politics or no politics, they are compelled to comply. Improved conditions mean resources for programs, incentives for inmates that make the prison environment a safer space for everyone—inmates, guards, administrators, and society.

“Essentially there’s a power vacuum when it comes to prisoners’ rights,” he says. “There’s nothing in the political process other than through legislative action. Students have teachers, medical care has doctors, but there’s nothing equivalent in law enforcement.”

Attorneys’ fees from the state keep PLO in operation, though Specter often wonders why the state would contest litigation aimed at improving conditions of inhumanity. He has made a career of wrestling with the problem of prisons and hopes society will begin to take up the issue with greater vigilance, compassion, and concern. Most people who go to prison will be released, he says, and it is likely that walking down the street of an urban center means walking past someone who has spent time locked up. For him, the state should be committed to creating community programs that prevent crime, developing reasonable sentencing terms, and focusing on efforts to rehabilitate. He likens his work to pushing a rock up a hill that keeps getting steeper.

“It doesn’t surprise me that he quietly sticks with it,” says Suzanne Mounts, a USF professor of law who first encountered Specter when he worked in the Criminal Law Clinic as a student. “He’s very steadfast, not in it for the glory and life in the limelight. The problems are so compelling and the political resistance to change so intense that we need an outside organization like the Prison Law Office to keep pressure on the system. Human beings who get locked up, yes, they’ve done some



bad things, but they’re human beings, and there is a lot more to them than the bad things they’ve done.”

USF Law Professor Steven F. Shatz believes that students like Specter emerged in the law school at a time when new faculty arrived with backgrounds in legal services and public defense programs. They had come of age in the ’60s and joined the academic ranks in the ’70s. In the last decade under Dean Jeff Brand the school has made its commitment to social justice even stronger, Shatz says.

“A lot of people do something in the public interest and then they’re done because of the money,” Shatz says. “Instead, Don is able to commit to something unique and self-supporting. And usually, he has been successful. Don, more than anyone else working in the field, deserves the credit for the reforms of the past 25 years in the California prison system.”

The work does not come without its frustrations. Some litigation lasts decades and the constant refusal of the state to do the right thing takes its toll, Specter says.

“Some of the stories you hear, they are heart-breaking.” He pauses before adding, “There always seems to be some new challenge. We’re growing, our influence is growing. It’s been worthwhile.” **USF**

**Humane Prisons:** As director of the nonprofit Prison Law Office near San Quentin, Don Specter, JD ’78, represents inmates in areas of parolee rights, sentencing reform, and prison conditions.