

City and County of San Francisco

OFFICE OF THE SHERIFF

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Michael Hennessey
SHERIFF

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30 January 2009

Sheriff Michael Hennessey
City Hall Room 456
San Francisco, CA 94103

RE: Prisoner Legal Services

Dear Mike,

This is my letter of resignation and retirement, effective the 21st of February 2009.

In serving as the Directing Attorney at Prisoner Legal Services, I have found myself having to bite my tongue in talking to some prisoners about their charges -- at least half of them with non-violent drug charges. I find it difficult to discuss the financial or child custody problems of a prisoner, when I cannot look them in the eye and justify their being in jail. His or her incarceration is as a result of their own actions, but much more so as a result of a mistaken, unfair, and unjust set of laws which criminalize drugs in our society, based on the failed model of Prohibition of alcohol which we enacted and then repealed.

Each of such prisoners is in our jail only because of our bad politics of drug regulation. It is this set of policies which is the most direct cause of the continued excessive incarceration rates in the US.

I find myself even more particularly distressed at prisoners incarcerated with charges of felony possession of marijuana for sale. Other charges are often added, to be dismissed before trial, just for the sake of pressuring the prisoner to plead guilty and accept a prison sentence for -- what? When it comes down to it, he or she is in jail for possession of marijuana, a substance scientific

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evidence shows definitively to be less harmful than alcohol or tobacco. The most dangerous attribute of marijuana is the US criminal justice system.

I appreciate very much the opportunity you have given me to work in the San Francisco Sheriff's Department as Director of Prisoner Legal Services. I am very impressed with the professionalism, commitment and humanity of your sworn staff of Deputy Sheriffs.

Even more, I am grateful for the opportunity to experience the unstinting efforts of yourself and the civilian staff you have assembled to use incarceration in the San Francisco jails as an intervention in a life often begun at the bottom of the social ladder -- through educational programs leading to a high school diploma, through access to legal assistance to resolve old warrants, through the Restorative Justice program Resolve to Stop the Violence (RSVP), through managing child support obligations, allowing physical visitation with children, and many other programs.

Looking back on my accomplishments in this job, they began brightly with an effort to create a new academic Institute to promote and study Restorative Justice. This project may find a University home at the University of San Francisco, depending on discussions presently underway. I will continue this effort.

I also initiated the gathering of at least some elemental statistics about the activities of Prisoner Legal Services. As a next step, I hope you will build into the budget at some point a contract to analyze the data being collected.

And I began writing The Book on PLS, but did not get far enough along to share it with you. That task will now fall to others. My view is that without a written record and statistical justification for PLS, its achievements will be lost in some budget cutting frenzy after you and I have passed from the scene, particularly as there are almost no other such programs in existence. What Sunny Schwartz' book Dreams From the Monster Factory will hopefully do for RSVP also needs to be done for PLS. Her style and personal revelations are dramatic. I had conceptualized the book on PLS more as a workbook or how to do it book, passing along the wisdom captured in the forms used at PLS and its Intern Training Manual.

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Most of my time at PLS, in addition to administrative tasks, has been mired in dealing on a one-to-one basis with the overwhelming demand for legal services by the approximately two thousand inmates in the jail at any given time. For me, this was déjà vu, for my early legal career was spent in Legal Services for the Poor, where at the end I wrote an article entitled: “The Imminent Failure of Legal Services for the Poor: Why and How to Limit Caseload.” There I detailed the burn-out of attorneys of good will, faced with the enormous demand for their services from their indigent clients, and the devises, both fair and unfair, used to ration their services. These same devises operate daily at PLS.

Although it has been a privilege to work for you and with the many thoughtful and dedicated people on your staff, I am retiring so as to try to reorder my day by day priorities. I will continue as a volunteer to help PLS as needed, as a Notary or otherwise, and will continue to work on issues of Restorative Justice. But I am anxious to have the opportunity to speak out against our present drug laws, and to work on the campaign for Repeal of Prohibition, Again – for repeal of the set of laws of Drug Prohibition which is as foolish, ineffective and counterproductive as was alcohol prohibition.

I am looking forward also to having the time to take up again my commitments to work for education for girls and widows in Afghanistan, and peace in the world, as well as justice in the San Francisco jails.

Thank you again for giving me this opportunity. I look forward to remaining a resource to you, and I hope vice versa, as we each continue to follow our respective vision of doing our best to make the world a better place.

Sincerely,

Carol Ruth Silver