

# The Constitution of Making Corrections

K R Turrell December 2009

**W**e the people of the United States of America have the responsibility and obligation to the very best of our ability to build, maintain, reconstruct, and entirely reinvent our national and local system of “Criminal Justice”, such that it is consistent and pervasive in the process of effective crime and punishment. Further, it is our onus and moral duty to our families, our neighborhoods, our country, and our fellow humankind, to set the highest standard for public and private safety and security throughout our nation, and to provide the most contemporary model of crime and punishment for the world to witness. Legislative, Judicial, and Penal reformatory actions must be taken to construct, implement, and maintain the Articles herein.

To that end, we hereby assert the following Articles:

## Article One: Judiciary Obligation and Reformations

**I. “Board of Incurrigibility Determination”** – In concert with new laws as necessary, every County, Regional, State, and Federal Judicial Court must mandate and implement the immediate formation of a “*Board of Incurrigibility Determination*” as follows:

**a. Purpose:** The exact and direct purpose of each Board of Incurrigibility Determination shall be to identify each and every individual who is incurrigible and will be entirely resistant to remedial, “alternative”, or corrective programs. Further, each Board of Incurrigibility Determination shall recommend alternatives outside of - or as opposed to – incarceration, as deemed appropriate in order to “rescue those that can be helped” from becoming incurrigible.

**b. Postulate 1:** Every person that is arraigned for a felony crime must be assessed by and through a “prescribed and determinate set of guidelines to determine factors of incurrigibility and the projected likelihood of corrective and rehabilitative influence” on that person.

**c. Postulate 2:** The effectiveness of all judicial and corrective action rests in the determination of incurrigibility. It is therefore the outright responsibility of the Judiciary to determine to the very best and highest of standards, the best available methods and protocol for determining the point at which an individual can no longer be susceptible to corrective, rehabilitative, and otherwise remedial programs designed to “correct” and be returned to lawful behaviors, and must therefore be subject to strict and absolute judicial and penal resolution.

**d. Postulate 3:** The “prescribed set of guidelines to determine factors of incurrigibility and the projected likelihood of remedial and rehabilitative influence” must be standardized and utilized in the same manner and execution in all Judicial institutions and locations. These standardized and prescribed guidelines are to be constructed, devised, and produced in cooperation with medical, mental health/behavioral, and judicial experts in order to set forth the highest standards of incurrigibility determination processes.

**e. Assembly of the Board:** Each Board of Incurability Determination shall consist of a panel of “experts” on a screened, compulsory, and rotational basis, consisting of seven (7) to twelve (12) members that shall serve for a provisional length of time, as determined within the prescribed, established guidelines.

**f. Recommendations and Mandates:** Each Board of Incurability Determination shall make Recommendations and Mandates to the Prosecution, Defense, Judge and Jury regarding findings on each case prior to the trial phase. Such written and standardized Recommendations and Mandates shall include application of new and existing laws, corrective programs, and sentencing alternatives as deemed appropriate, up to and including prosecution to the full extent of the law.

**g. Oversight and Appellate Process:** As set forth within the prescribed and established guidelines, each Board of Incurability Determination shall be subject to oversight and appeal of all Board Members and Board determinations within set boundaries to be expedited within a “speedy” timeframe.

**h. Compensation:** Each member of the Board of Incurability Determination shall receive monetary remuneration in the form of governmental, judicial payroll on an equal and determinate basis and period. Regulatory measures shall be taken as deemed appropriate by the legislative.

**II. Judicial Appellate and Remedial Reform** – Every County, Regional, State and Federal Judicial Court must mandate and implement reformation of appellate rights and rights to access the processes of court remedies as follows:

**a. Predators:** All persons that are determined by the Board of Incurability Determination to be “Predatory” and that have been convicted to three (3) or more felony crimes of a sexual and heinous nature on separate dates or occurrences shall permanently forfeit any and all rights to court remedies, or the right to any and all appellate actions, and shall be subject to the fullest extent of prosecution permitted by law.

**b. Incurable:** All persons that are determined by the Board of Incurability Determination to be “incurable” and who are convicted of three (3) or more First-Degree Felony Crimes of Violence on separate dates or occurrences shall permanently forfeit any and all rights to court remedies or the right to any and all appellate actions and shall be subject to the fullest extent of prosecution permitted by law.

**c. Forfeiture of Rights:** Persons that meet the criteria as defined in “a” or “b” (above) shall forfeit the right to retain an attorney, or legal representation on their behalf, or petition the court in any capacity that relates directly to any and all current or previous conviction(s).

**d. Capital Crime:** All persons convicted of a Capital Criminal Offense that have a previous Capital Criminal Offense conviction shall permanently forfeit the right to retain an attorney or legal representation on their behalf or petition the court in any capacity that relates directly to any and all current or previous conviction(s).

## Article Two: Legislative Obligation and Reforms

**I. “Corrective, Remedial, and/or Alternative Programs”** – Legislation must be constructed, promoted, and passed into law that implements new, meaningful, useful, and effective Corrective, Remedial, and/or Alternative Programs as follows:

**a. Purpose:** The exact and direct purpose of Corrective, Remedial, and/or Alternative Programs is to sentence each and every person who is determined *not* to be incorrigible - as set forth by the processes and mandates of the Judicial “Board of Incorrigibility Determination” - to appropriate corrective, remedial, and/or alternative programs and thereby avoid or limit sentences of incarceration for such individuals, ensuring the best possible “punitive treatment” or “corrective actions” on their behalf that represents the best opportunity at preventing a future determination of incorrigibility.

**b. Postulate 1:** Every person that is favorably assessed by a Board of Incorrigibility Determination as to the projected likelihood of corrective and rehabilitative influence – that is determined *not* to be incorrigible – shall have the right to take part in a “tailored” program that meets the recommended needs of that individual and that represents the best opportunity at preventing a future determination of incorrigibility.

**c. Postulate 2:** The effectiveness of appropriate corrective, remedial, and/or alternative programs rests in the scope, range, and nature of such programs. It is therefore the outright responsibility of the Legislative to determine to the very best and highest of standards, the best available methods, and progressions for determining appropriate corrective, remedial, and/or alternative programs, and otherwise beneficial programs designed to “correct” and return the individual to lawful behaviors. Legislation must therefore be constructed and produced in absolute cooperation with medical, mental-health/behavioral, vocational, and judicial experts.

**d. Postulate 3:** The appropriate corrective, remedial, and/or alternative programs, and otherwise beneficial programs must be standardized and utilized in the same manner and execution in all Judicial institutions and locations. These standardized and appropriate corrective, remedial, and/or alternative programs, and otherwise beneficial programs are designed to dramatically and directly reduce the number of incarcerated individuals and to “rescue those that can be helped” from becoming incorrigible.

**e. Application and Execution of Corrective, Remedial, and/or Alternative Programs:** Each Board of Incorrigibility Determination shall determine individual factors of incorrigibility and make Recommendations and Mandates to the Prosecution, Defense, Judge and Jury regarding findings on each case prior to the sentencing or trial phase. These Recommendations and Mandates shall suggest an individual, “tailored” plan of action for participation in new and existing corrective, remedial, and/or alternative programs which best suit the projected needs of each respective case/individual and represent the best opportunity at preventing a future determination of incorrigibility.

**f. Plan of Action/Programs Example:** A “tailored” plan of action and programs might be any combination of structured participation in medical, psychological, behavioral treatment programs, vocational or educational training, drug and alcohol programs, and/or new and novel “at risk” programs to be developed.

**g. Unsuccessful Completion of Programs:** All persons that do not successfully complete a tailored plan of action within appropriate corrective, remedial, and/or alternative programs shall be in immediate violation of terms of corrective supervision and remanded as deemed appropriate by the court.

**h. Program Eligibility Upon Parole:** Those individuals that are deemed by a Board of Incurrigibility Determination to be incurrigible shall not be enrolled in new and existing corrective, remedial, and/or alternative programs until they are parole eligible and are constructing an appropriate and accepted parole plan.

**i. Programs Oversight Process:** Each Corrective, Remedial, and/or Alternative Program shall be subject to an effectiveness assessment over time and thereby recommended for termination or revision based upon effectiveness findings.

**II. Legislative Capital Punishment Reform** – Legislation must be constructed, promoted, and passed into law that implements new, meaningful, useful, and effective reform of Capital Criminal Punishment as follows:

**a. Purpose:** The exact and direct purpose of Capital Punishment Reform is to enact and enforce Federal and State laws that make sense within the objective of criminal deterrence and punitive consideration, and are applied equally, swiftly, and yet serve the public interest of justice and public safety to the very best of human ability.

**b. Postulate 1:** Current capital crime statutes must be consistent, exact, and clear, and must exist on both the Federal level and State level – with identical statutes – that are enacted and enforced within exact guidelines, in order to be effective.

**c. Postulate 2:** Every person that is assessed by a Board of Incurrigibility Determination to be both incurrigible and deemed a “predator”, and that has been found guilty by a court of law on at least three (3) separate occasions of predatory crimes of violence shall forfeit all rights to appellate processes and shall be eligible for capital punishment application.

**d. Postulate 3:** Every person that is assessed by a Board of Incurrigibility Determination to be “incurrigible” and that has been found guilty of three (3) or more First-Degree Felony Crimes of Violence on separate dates or occurrences shall forfeit any and all rights to court remedies or the right to any and all appellate actions and shall be subject to eligibility for capital punishment application.

**e. Incurrigible:** Every person that is assessed by a Board of Incurrigibility Determination to be “incurrigible” and that has been found guilty of three (3) or more Capital Crime Offenses on

separate dates or occurrences shall forfeit any and all rights to court remedies or the right to any and all appellate actions and shall be subject to eligibility for capital punishment application.

## **Article Three: Penal Facility Transformation and Reformation**

**I. Federal and State Prison Reformation** – Every Federal and State Penitentiary shall undergo immediate transformation and reform as follows:

**a. Purpose:** The burden of construction/creation, operations, and maintaining of all prison facilities should be strictly State and Federal (not private corporations), and yet the use of taxpayer funds should NOT pay for any prison facility to be constructed/created, operated, or maintained.

**b. Postulate 1:** Every and all current penitentiary funding from legislated taxpayer dollars shall not cease, but instead said monetary allotments shall be re-routed to fund the entirety of the Board of Incurability Determination, and all corrective, remedial, and/or alternative programs as put forth in Article One and Article Two (above).

**c. Postulate 2:** Every Federal and State penitentiary shall henceforth be a for-profit business entity that is built, operated, and maintained by State and Federal agencies. No facility shall be privately owned and operated for corporate profits. Each facility shall adhere to a strict, uniform, highly regulated, and completely accountable commercial business code with the purposes of structuring all inmate time, providing paid labor to all inmates, and creating an overall profit for each facility from the sales of produced goods.

**d. Postulate 3:** Every Federal and State penitentiary shall be funded through the commercial profits of each facility and operated by Federal or State prison bureaus, and NEVER funded using any taxpayer dollars.

**e. Postulate 4:** All costs and expenses, salaries, and all overhead, shall be the responsibility of each prison entity and shall be subject to full disclosure of all financial activity.

**f. Postulate 5:** Every Federal and State for-profit operated penitentiary shall adhere to strict Federal and/or State security oversight and regulatory statutes, legal mandates, and prisoner rights laws as provided by the legislative, and shall be wholly and entirely accountable and responsible for the security of each facility, and the safety and security of the inmate body, as well as the safety and security of the public.

**g. Postulate 6:** Every Federal and State for-profit operated penitentiary shall employ each and every incarcerated inmate in a labor, industrial, or junior-managerial capacity for the production of goods for sale to the general public through existing commercial distribution channels.

**h. Postulate 7:** Every Federal and State for-profit operated penitentiary shall make every effort to develop and implement – at the time of reception and diagnostic activity or general intake – an individual and meaningful “program of incarceration and rehabilitation” that will provide a

specific starting or initial job, as well as a “tailored” set of programs that makes appropriate and effective sense based upon the individual needs and assessment of each inmate.

**i. Program of Incarceration and Rehabilitation:** An individual and meaningful “program of incarceration and rehabilitation” might include – in addition to a paid work assignment – an educational/GED course, drug and alcohol training, psychological counseling, religious programs, vocational training, and/or any other programs that might be effective and useful, according to the individual needs and assessment of each inmate.

## **Summary and Conclusion:**

It is the responsibility of our Federal and State Legislative, Judicial, and Penal institutions, organizations, and involved individuals to create, implement, and maintain meaningful and effective, lasting change in our current system of crime and punishment.

First, we must make every effort to separate those who might be helped or “saved”, from those who are incorrigible and will therefore be resistant to corrective sanctions, actions, and programs designed to return the individual to law-abiding and productive behaviors. Further, we must develop new, effective, and useful corrective programs and employ them as alternatives to sentences of long- and short-term incarceration wherever it is deemed logical and appropriate.

Second, we must initiate vast and sweeping Judicial and Legislative actions designed to reform laws and remedial actions with regard to appellate rights of convicted felons, and the application and eligibility of capital punishment.

And third, we must make all penitentiary facilities into industrialized, for-profit entities that are strictly regulated and that provide each incarcerated inmate with mandatory work, and an individually defined program of incarceration and rehabilitation.

Were we to ignore the current status of our “criminal justice system” and continue with the status quo: we would continue to sentence hardened criminals with those who might be helped; we would place more violent and non-violent criminals together; we would perpetuate the cycle of creating more and more career criminals, and psychopathic and dangerous individuals; we would continue with unconstitutional overcrowding of our jails and prisons; we would not develop more, effective, and meaningful programs that can help those who are “at risk” or that can be helped; we will be unable to pay for new and exciting programs of rehabilitation; we will continue to fund prisons and the incarceration of prisoners with taxpayer funds; our laws will continue to be ineffective at criminal deterrence; predatory and career criminals will continue to manipulate the system; the courts will continue to be inundated with appeals and frivolous motions; dangerous people will continue to be released from incarceration without having been given a positive program, or are released due to overcrowding, or an “incorrigible” that has gained their release through an undeserved appeal; we will not make our streets any safer; we will not be applying our laws with greater equality; and we will continue to ignore a matter that has the likely potential of becoming volatile, explosive, and incurring repercussions that will impact everyone.