



IOWA CITIZENS UNITED FOR THE REHABILITATION OF ERRANTS

An Effort to Reduce Crime Through Criminal Justice Reform Spring 2009

New Classification System in Place

When the Durrant Study of the Iowa prison system was done in 2007, one of the most pressing needs that was identified was the need for a new classification system to replace the outdated one that had been used for many years. The Criminal Justice Institute conducted an assessment of the IDOC's existing system. They worked with the IDOC classification and Women Offender Focus Groups to develop a preliminary gender specific classification system for the DOC. From the findings and recommendations drafts of new classification instruments, a manual, policies, procedures, and an implementation plan were developed.

According to the Department of Corrections the new classification system places offenders in the least restrictive custody environment based on their behavior, safety/security risk to staff and offenders, and rewards effort. Unlike the old system, it is not a "one size fits all system. Offenders who violate rules or are management problems are held accountable and they can work their way to a higher or lower classification

The new system is automated because most of the risk factors can be scored from data available on the ICON (Iowa Corrections Offenders Network). There is also frequency of review. They are initially classified in the first year and can be reviewed if there are new charges or disciplinary action. They will be reclassified once a year or as needed if there are significant issues related to offender behavior.

The new system went into effect in January and some prisoners have already been transferred to other facilities due to reclassification and proposal changes in the custody levels at Iowa's prison. We understand that lifers who have been housed at the Honor lifer unit at Rockwell City have been removed and taken to the Iowa Medical and Classification Center. The speculation has been that, under the old system some maximum security prisoners have been over classified. Prison construction will be based on the results of the reclassification.

One Step Closer To A Supermax At ISP????????? Security Levels For Prisons Proposed

The Department of Corrections has proposed a bill the current Legislature that would establish the following custody and security levels for the institutions and facilities of the Department of Corrections.

Level I Minimum live out custody offenders, dorms or multiple person rooms, minimal motion detection on perimeter fence or no perimeter fence, minimal perimeter lighting, intermittent perimeter patrol.

Level II Minimum custody offenders, dorms or multiple person rooms, a single perimeter fence with motion detection, intermittent perimeter patrol.

Level III Medium or Minimum custody offenders, dorms or multiple person rooms, a double perimeter fence with motion detection, lighted perimeter motion detection, armed perimeter patrol or armed towers or both.

Level IV Medium or minimum custody offenders, multiple person cells, a double perimeter patrol or armed towers or both.

Level V Maximum, medium or minimum custody offenders, multiple person or single cells, perimeter wall or double perimeter fence and motion detection, lighted perimeter. Armed perimeter patrol and armed towers.

Level VI Maximum custody offenders, single person cells, LIMITED AND CONTROLLED OFFENDER MOVEMENT and perimeter wall or a double perimeter motion detection, lighted perimeter, armed perimeter patrol and armed towers.

If passed, this bill which also lists the security level for each prison, designates Iowa State Penitentiary as a Level VI institution. For all practical purposes this would mean it would have the potential to function as a SUPER MAX as we have been predicting. The men from the old 220 have been moved to the A and D isolation pods in the CCU which was designed like a super max so that piece is already in place.

USE OF LONG TERM ISOLATION FOR THOSE WITH MENTAL DISORDERS IN IOWA PRISONS

-- LETTERS TO THE EDITOR DMR

January 7, 2009

Give mentally ill the care they need

The article about mental patients in long-term isolation is a sad story - just another such story in our long history of ignorance and misconceptions about mentally ill folks.

The story covered mental institutions only. That is simply the tip of the iceberg of isolation of mentally ill people. The greater numbers are held in jails or prisons. With the abysmal lack of mental-health care available in the United States, many seriously mentally ill people become homeless because of job loss and subsequent insurance loss and then become involved in a vicious cycle of incarceration.

In some prisons, more than half the population is mentally ill. The Department of Corrections has to receive them because we do not have a comprehensive jail-diversion plan for mentally ill. Therefore, prisons have become de facto mental institutions, and prisons will never be good mental-health institutions.

When inmates do not follow rules, there are consequences. Repeated infractions lead to isolation. With effective mental-health care, many of these folks could be productive citizens.

- Kay Kopatich, Urbandale

January 7, 2009

Mentally ill don't belong in prisons

The Dec. 27 Associated Press article concerning the long-term isolation of mentally ill patients in the nation's psychiatric hospitals is important, but fails to acknowledge that our prisons have become the dumping ground for a large percentage of the mentally ill in this country.

In prisons, the mentally ill often spend weeks, months and even years in lockup, not because they are violent or uncontrollable, but because it is a disciplinary tool for almost any rules violation.

What is lockup like? Usually all prisoners' belongings are taken from them. The lights are usually on 24 hours a day. They may be taken to the showers and to the exercise room at 2 a.m. This is all to create disorientation.

When prisoners suffer a psychotic episode or threaten suicide, they are put in a cell with a glass front, with a drain in the floor for a toilet and nothing to wear but a paper gown. How do such inhumane conditions help a mentally ill human being?

We need to advocate for changes so that the mentally ill don't end up in prison. We need to work to stop the excessive use of lockup.

- Jean Basinger, Des Moines

MENTAL ILLNESS - THE FACTS

From NAMI In Our Own Voice

Mental illnesses are brain disorders. They are not defects in someone's personality or a sign of poor moral character or lack of faith. They certainly do not mean that the ill person is a failure. Chemical imbalances in the brain, from unknown or incompletely known causes, are some of the reason for symptoms of mental illnesses.

Mental illnesses are like other organ diseases in which body chemistry changes. The abnormal chemistry of mental illnesses affects brain function the same way that too little or too much of other body chemicals damage the heart, kidneys or liver. A heart attack is a symptom of serious heart disease, just as hearing voices, mood swings, withdrawal from social activities, or feeling out of are common symptoms of a mental illness.

Mental illness can affect people of any age, race, religion, education or income level. As you read this, five million people here in the United States are dealing with serious, chronic brain disorders. Major brain disorders include schizophrenia, bipolar disorder (manic-depression) anxiety disorders, and obsessive-compulsive disorders.

There are many points on the continuum of wellness, and different degrees of recovery that can be reached with medication, therapy, and a strong support system.

We urge Iowa CURE members to contact their legislators and urge them to vote for mental health parity so that insurance companies will be required pay for the cost of the treatment of all illnesses including mental illnesses,

substance abuse, and eating disorders.

CRIMINAL CODE REORGANIZATION STUDY COMMITTEE

The Criminal Code Reorganization Interim Study Committee was charged with meeting during the 2007 and 2008 to consider proposals for Criminal Code revisions, reorganization, and updates. The committee is made up of 3 members from the Senate: Keith Kreiman, Co-Chair, Rob Hogg, and Larry McKibben and three members of the House: Kurt Swaim Co-Chair, Clel Baulder, and Rick Olsen. There are also 9 members of the public who serve on the committee. They have divided into four sub-committees. At their meeting in January of 2009 it was noted that they were charged to meet in 2007 and 2008. They made a recommendation that they continue to meet in 2009 and 2010 with their next meeting being in May 2009.

In an e-mail entitled, "Wasting Away in Prison While Politicians Cower" which the Rev. Carlos Jayne sent to Iowa legislators he said this about the slow progress of the Criminal Code Reorganization Committee, "...the Code Reorganization met on January 15th and voted out one revision which would (you guessed it) reorganize one very small section of the criminal code with assurances to committee members that no changes would be made in sentencing, just make it easier to do sentencing. Then the committee adjourned until May!

The Criminal Code Reorganization Committee has come up with a possible proposal (not yet moved and recommended to the legislature, mind you,) that calls for a "Public Safety Advisory Board that systematically reviews existing criminal law, sentencing and procedure, and recommends specific changes to better ensure public safety. To further this purpose, the Public Safety Advisory Board shall consider proportionality of offenses and punishments, consider charging alternatives available to prosecutors, consider rates of recidivism, resources available to the state, incarceration and release rates, and consider the rights and safety of victims of crimes.

This could be a possible step forward on the road to reason, but not unless it gets moving at a more reasonable pace, and not unless it gets bi-partisan support and has power behind it. My question is, "Why not put the proposal out there now when we have bi-partisan expressions of the need to get something done?" I know there are loud voices who vow to stop anything which would even come close to revising sentences or charges downward. The last time a criminal code revision was done on a major scale was in the '70s and it resulted in the major party at the next election big time. So unless bi-partisanship gets locked in securely behind this effort it is not going anywhere."

Iowa Parole Board News

COMMUTATION HEARINGS PUT ON HOLD

Due to the economic crisis Governor Culver has put a hold on commutations at least until the end of the current legislative session.

CERTIFICATES OF EMPLOYABILITY TO BE ISSUED BY PAROLE BOARD

Legislation was passed during the 2008 Legislative Session which set up a system where up the parole board will evaluate people who come up for Parole and decide if they meet the criteria to receive a certificate of employability. This certificate will be the size of a driver's license and will be laminated. It will be something that can easily be shown to a potential employer to verify that the Board of Parole feels they are a good candidate for employment. It will not list what training they have had or what programs that have come completed.

LEGAL MAIL

At the November meeting of the Board of Corrections Michael Savala, Legal Counsel for the Department of Corrections reported that a public hearing had been held on October 14 regarding the inspection of legal mail when it comes into an institution. He stated that, for security purposes, the Department needed to make sure that there was no contraband in the envelopes. The Department compromised with the Ombudsman's Office, which will use the DOC local black boxes in the Central Office mail room. Offenders will use pre addressed envelopes. PLEASE NOTE: Iowa CURE is not approved to send or receive legal mail. Do not mark mail sent to us as "Legal Mail".

TRIAL OF ONE WAY E-MAIL SERVICE AT ICIW

The Advanced Technologies Group has offered the Department of Corrections a 6 month free trial of a one way e-mail service at the Iowa Correctional Facility for Women (ICIW). This service began the first of this year. Outsiders can sign up to send e-mails to persons incarcerated at ICIW by going to corrlinks.com. Once you are approved, you enter your credit card information and authorize a charge of \$5 or more and then enter the incarcerated person's number. There is a 25 cent fee for each e-mail and you can send an e-mail from any state or country. There can't be any attachments or picture. You can't paste anything into the e-mail or save it as a draft and go back to it.

Once the outsider sends the e-mail it goes through an internal automatic security check. If it passes, the incarcerated person

will receive a copy via normal mail delivery. If it is rejected, the sender's account will be credited, but the sender will not receive a notice that the e-mail has been rejected nor will the person to whom the e-mail was addressed know that an e-mail was sent and rejected. The e-mails can be stored in the system for as long as the DOC determines is necessary and e-mails can be flagged if they are of concern.

At this time there are no plans to make it a two way system. This company operates the e-mail system for the Federal Bureau of Prisons, but it has been a two way system from the beginning. Reports for prisoners, families and lawyers have been positive.

The benefits seen are the reduction of labor to manage postal mail including time to review incoming mail, automatic indexing and keyword searches for objectionable mail. We can see that it is a cheaper and faster way for foreign senders to communicate, but this may not be the case for those within the country since e-mails will be printed out and delivered with regular mail.

We hope that this is just the initial step toward improved two way communication for incarcerated persons and those in the outside world who can help them keep the valuable connections that are so important. In the process this would also give the people in prison the basic computer skills that are as necessary as knowing how to breathe in today's world.

NEW SPECIAL PRIVILEGE UNIT AT IOWA CORRECTIONAL FACILITY FOR WOMEN

A new Special Privilege Unit (SPU) has been created at the Iowa Correctional Facility for Women in Mitchellville. Long termers who met the criteria can qualify for double rooms, they can choose the color of the paint for their rooms, stay up late in the bay, order special food and will possibly be eligible for a special event with their family once a year.

STAFF CHANGES

In recent months the Department of Corrections has unexpectedly lost two long time employees. Lowell Brandt, Warden of the Iowa Medical and Classification Center died last year after serving the department for many years. Larry Brimeyer, who had been Deputy Director for Prisons in the Eastern Region recently died of a heart attack. We have not had word regarding who will serve in these positions.

Chaplain Kay Kopatich, who was Chaplain at Iowa Women's Correctional Facility and also served as the Religious Coordinator for the Department, retired 6 months ago and has not been replaced. She is currently volunteering one day a week at ICIW.

We understand that Jeanette Bucklew, Deputy Director of Offender Services will soon be retiring. Jeanette will certainly be missed.

LOCAL DES MOINES CURE CHAPTER MERGES WITH VOICES TO BE HEARD SUPPORT GROUP

The local Des Moines CURE chapter has not been meeting in recent months and members Jackie Robinson, Mary Kay Dial and Jean Basinger have been exploring possibilities for reorganizing the chapter in a way that would best meet the needs of members in the local area. In December the 3 Des Moines CURE members met with members of a new group called "Voices to be Heard." The decision was made to unite these two groups for the following purposes: to provide safe and open discussion on how families and other persons concerned about those who are incarcerated or on parole in the state and federal system can work together to support one another, and to bring about the needed changes in the prison system, to provide an opportunity for the children of the incarcerated to be with qualified professionals in a group setting.

"VOICES To BE HEARD" group was started with the purpose of providing outreach for the children of those who have a loved one incarcerated or on parole. Their vision statement was as follows: "Every Child's Voice of suffering, grief, shame, and abandonment from dealing with an incarcerated parent will be heard and dealt with in a healthy way." The meeting with for children will continue to be a core part of the new combined meetings.

The group meets at 5:30 p.m. and a light meal is provided. At 6 p.m. the children meet with a professional psychologist from LIFE-LINE RESOURCES, and this is followed by a time of supervised play. The adults meet from 6 to 7 to hear a speaker and/or share concerns and discuss how they might be involved in working for change. All personal information shared at the meeting is confidential.

We were delighted that 30 people turned out for our first combined meeting on January 6th. The Rev. Carlos Jayne, Legislative Advocate for the Justice Reform Consortium, a Consortium of 17 Iowa organizations that have joined together to work for reform of the criminal justice system was our speaker. He presented the legislative agenda for the current session as well as a list of travesties in the current system. He spoke about how we could organize to work for needed changes.

Our meetings are on the first and third Tuesdays of each month at Union Park United Methodist Church, East 12th and Guthrie. A light meal is served at 5:30 p.m. and the group divides at 6 p.m.. We dismiss at 7 p.m.. If you have a concern for

the injustices of our prison system, if you have been in prison, currently have someone in prison, or if you are the caregiver for children of the incarcerated, you are welcome.

Des Moines Area CURE members who have questions should call Jean Basinger at 515-277-6296. Those with questions related to the "Voices to Be Heard" program should call Melissa Nelson at 515-280-9027.

National Cure Annual Meeting Notes 2008

Mark Flowers, The Director of Standards and Accreditation for the American Correctional Association (ACA), addressed the annual CURE convention in Washington DC. He stated that there are over 450 standards; with about 10% of those standards being mandatory standards that deal with life, health and safety issues. To receive accreditation an institution must satisfy 100% of the mandatory standards, and 90% of the non-mandatory standards. All of Ohio's correctional institutions are accredited and Gov. Strickland is a firm believer in accreditation. Flowers said, "I will not waiver on standards; I will not waiver on ethics". Since coming to this office he has revoked accreditation of two facilities.

Kay Perry, President of National CURE, pointed out that "Announced Audit" has no credibility at all and asked that audits be unannounced. (to let inspectors see what prisons really look like before they are polished up, before the usual floor scrubbing, and extra food is brought in, before extra inmates are put in basements which are not shown, etc.) Her request was turned down.

Charles Sullivan of National CURE observed that inmates would be the best monitors of accreditation. He asked, "How about a pocket size version of the ACA standards manual that inmates could buy?" He did not get a positive reply. Flowers was asked if the ACA would direct that a copy of the ACA standards Manual be put in every prison library. Flowers replied that any ACA member could propose that as another standard. CURE's representative to the ACA has now made that proposal.

Flowers said that every e-mail query receives a reply within 48 hours, and he suggested that the fastest way for an inmate to get a concern to him is to have friend or family member e-mail him with that concern. His e-mail is markf@aca.org.

The question was not raised as to the confidentiality of those e-mails, nor of protection from retaliation by local staff in the prisons mentioned. Perhaps e-mails should come from organization such as CURE, rather than from specific local people who may be in danger if not assured confidential replies and anonymity. NOTE: Please do not send "aggravations and petty, one-time, issues," soon no one will be taken seriously.

NEWS FROM THE OFFICE OF THE IOWA OMBUDSMAN'S OFFICE

After almost 17 years as Assistant Ombudsman for Corrections Judith Milosevich has retired. Eleena Mitchell-Sadler is now serving in this position. Ms. Sadler has worked in the corrections system for a number of years as a correctional officer, training specialist and acting Administrative Law Judge.

The services of the Ombudsman's office are available to all residents of the State of Iowa including those confined in state institutions. After receiving a complaint about a prison or jail, they review the relevant information and decide whether staff followed the law and policy, and acted reasonably and fairly. If they conclude the complaint is substantiated they look for ways that the staff can fix the problem and reduce the chance it will happen again. They cannot investigate the Iowa courts, legislators and their staffs, the Governor, and his staff or multi-state agencies.

You can contact them at: 1-888-426-6283, Citizens' Aide Ombudsman, Ola Babcock Miller Building, 1112 East Grand Ave, Des Moines, IA 50319-0231 or by e-mail at ombudsman@legis.state.ia.us.

EIGHTH CIRCUIT: IOWA PRISONER'S DENIAL-OF-COURT-ACCESS RULING REVERSED

The Eighth Circuit U.S. Court of Appeals reversed a district court & 1983 judgment that had found Iowa's contract attorney arrangement (in lieu of a law library) had denied an Iowa constitutional right of access to the courts. The court also awarded him nominal damages (\$) for loss of a &1983 claim. On appeal, the Eighth Circuit held that the prisoner's underlying complaint of wrongful extradition was merit-less and that he had defaulted on his & 1983 complaint by filing untimely.

Duane White was arrested by Iowa authorities in Iowa in 1999 for committing a crime there as well as for an outstanding warrant from South Dakota. He pled guilty in both states. In Iowa, his plea agreement was predicated upon his agreement not to seek any post-conviction legal relief on his Iowa conviction. After doing 2 and 1/2 years in Iowa, he was transferred to South Dakota in July 2002.

However, prior to White's Iowa incarceration, Iowa had discontinued its law libraries in favor of providing contract attorneys to meet with prisoners several days each month, for 15 minutes sessions. There, the attorneys answered simple questions and

provided basic legal forms. White was dissatisfied with this service and in March 2002, filed a grievance on Iowa's legal access program. After exhausting remedies, he filed a § 1983 complaint in U.S. (N.D. Iowa 2005). The court determined that White's "actual injury" was his loss of another §1983 complaint he had filed. Iowa appealed District (D.Iowa) wherein the court found Iowa's legal assistance system was "an unconstitutional impediment tothe courts." White v. Kautzky, 386 F.Supp.2d 1042,1057.

The Eighth Circuit reviewed just what legal access is guaranteed. It found that while no access is guaranteed for prisoner grievances, non-frivolous conviction many not be impeded. Additionally, one must demonstrate "actual injury," i.e., that they lost a cause because of such denial of access. Construing White's allegations liberally, the court recognized two potential claims.

First, White claimed that his extradition between Iowa and South Dakota was procedurally flawed and that his convictions were therefore illegally obtained. The Eighth Circuit found that any such error, even "forcible abduction," would not taint the conviction that was otherwise lawfully proper. In any event, it observed that petitioning for post-conviction relief on extradition challenges was not permitted under Iowa law.

Second, White's claim of actual injury was reversed when the Eighth Circuit noted that both his grievance and his complaint were filed more than the statutory two years after the alleged improper convictions. Thus, White was in procedural default. Accordingly the court declined to reach White's other complaint that Iowa's contract attorney system failed to provide him with meaningful access to the courts. The District court's judgment was reserved and vacated.

Since the supreme court decided Lewis v. Casey, 116S.Ct. 2174(1996) it has become virtually impossible for prisoners to prevail on court access claims. In fact, Prison Legal News has reported two successful court access claims since 1996, and the district court ruling in this case was one of them. By requiring "actual injury" the court imposed a Catch 22 situation on prisoners: first they need to get into court and successfully show that but for the lack of a law library, counsel, etc, they would have prevailed on a civil rights or post conviction petition. In reality this standard has proved all but insurmountable as this case shows. (PRISON LEGAL NEWS)

MAKING YOUR VOTE COUNT

The American Civil Liberties Union of Iowa (ACLU), Iowa Citizens for Community Improvement (ICCI), and other state organizations were responsible for distributing thousands of brochures entitled, "Voting with a Criminal Conviction in Iowa." According to ACLU Executive Director Ben Stone, there is a misunderstanding regarding whether or not you can vote if you have a felony conviction.

The brochure is a way of getting correct information out to felons and their families regarding their right to vote in local, state, and national elections.

Iowans with felony convictions are allowed to vote when they have completed their sentences, including parole, and had their paperwork processed by the Governor's office. (www.governor.iowa.gov) Many of us remember that in July of 2005 Governor Tom Vilsak signed an order allowing felons who had served their sentence to vote. It is very important to get this information out to people. Even though the Fall elections are over the brochures will continue to be available.

ARRESTED? WHAT HAPPENS IF TO YOUR BENEFITS IF YOU GO TO JAIL OR PRISON

This guide explains what will happen to your federal benefits if you are arrested and held in jail or prison and how you can get them back when you are released. It is available on line at www.bazelon.org or can be purchased for \$4.50 at Bazelon Center for Mental Health Law, 1101 15th St. N.W. Suite 1212, Washington, D.C..

FEEL YOUR PERSONAL RIGHTS HAVE BEEN VIOLATED? If you feel that your personal rights have been violated you should feel free to contact the legal intake program of the Iowa American Civil Liberties Union at 901 Exchange Bldg, Des Moines, Iowa 50309-2310. State how you feel your personal rights are being interfered with, how you are being affected and what you would like the Iowa ACLU to do. Write this in NO MORE than three very precise paragraphs. If you write a lengthy letter you will probably not get a response. **DO NOT** send legal papers. You will get a response if you state your problem clearly and in short form.

WHAT IS IOWA CURE

Iowa CURE is a multi-issue, membership-based organization which brings individuals concerned about the correctional to work for change both inside and outside prison walls in order to promote healing and restorative justice within the community. CURE believes in fair and humane treatment of Iowa inmates and more reliance on alternatives to prisons as solutions to crime problems.

WHAT IOWA CURE IS NOT

Iowa CURE is not a legal aid service organization. Do not send us your legal documents. We have no paid staff and no legal staff.

PLEASE NOTE OUR CURRENT ADDRESS: P.O. BOX 41005, Des Moines, Iowa 50311

CURE CONTACT Information:

Ph

International CURE

P. O. Box 2013
Washington, DC 20013

CURE-SORT (Sex Offenders Restored
Through Treatment)
POB 761, Milwaukee, WI 53201-0761
CURE@curenational.org

and

Federal CURE

P.O. Box 15667
Plantation, FL 33318-5667
FedCURE@FedCure.org,

VOICE TO BE HEARD (Des Moines Area
CURE)

Meets the 1st and 3rd Tues. at 5:30p.m.
at Union Park United Methodist Church, E. 12th
and Guthrie, Des Moines, Supper at 5:30,
support groups for children and adults at 6 p.m.

Contact: Melissa Nelson: 515-280-9027, Voices
or

Jean Basinger, CURE, 515-277-6296,
jabwab@msn.com for more information.

Iowa CURE

Jean Basinger
P.O. Box 41005
Des Moines, Iowa 50311
Contact: Melissa Nelson: 515-280-9027, Voices or
Jean Basinger, CURE, 515-277-6296
jabwab@msn.com for more information

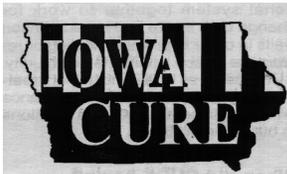
Fort Madison CURE

Linda Weeks
fmiacure@yahoo.com

Henry County CURE

Susie Snyder
319-385-3435
skizer@iowatelecom.net

IOWA CURE
P. O. BOX 41005
Des Moines, IA 50311



MEMBERSHIP INFORMATION
2009 DUES NOTICE

Please remember to pay your 2009 Iowa CURE dues.

How do I join?

Fill out the application form below and mail it with your membership fee to the Iowa CURE office address below.

Name _____

Address _____

City _____ State _____ Zip _____

Email _____

Please remove me from this mailing list

Why should I join CURE?

Being a CURE member gives you access to experienced staff, reputable research, political action, community organizing, leadership and strategy development as well as informative fact sheets, action alerts, legislative and issue updates. **Please feel free to photocopy this newsletter/application to pass along to interested friends, family, associates or loved ones in prison.**

Annual Membership Fees

Prisoner	\$2
Individual	\$10
Family	\$20
Sustaining	\$50
Life	\$100

IOWA CURE
P. O. BOX 41005
Des Moines, IA
50311