

highlights

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Directors Corner

Virginia CURE held its 24th Annual Meeting, “The Road to Reentry, Paving The Way”, on October 8th, featuring Harold Clarke, Director of the Department of Corrections (DOC), as keynote speaker. Director Clarke spoke for almost an hour, emphasizing the budgetary problems facing the Department, as well as the need to change the culture of the agency. To that end, DOC staff is taking part in training sessions and sharing ideas. Director Clarke further emphasized his belief in the value of cooperation and of sharing ideas within the organization. The meeting also featured Scott Richeson, Reentry and Programs Director, who spoke about the Virginia Reentry Initiative, and Jane Brown, Director of Community Partnerships, Office of the Governor, who described progress in the creation of Community Reentry Councils.

CURE held its 20th annual Advocacy Day on January 16th, Martin Luther King, Jr. Holiday. Volunteers, once again, met with legislators and aides to inform them as to bills of special interest to CURE. We presented a booklet with our legislative priorities on the first page, followed by more detailed talking points. This has been a difficult year for reform since the conservative viewpoint rules supreme in legislature today and conservative legislators are taking this opportunity to fulfill a social agenda. Nevertheless, we are working to address our issues in the General Assembly once again. We put a great deal of effort into the prevention of the abolishment of the DCE, however, this effort proved to be unsuccessful. We are looking for an administrative approach. If that fails, we will need to hear from those of you inside as to how well the new structure is actually working. We were pleased to see the appointment of former Senator Quayle as a 5th member of the Virginia Parole Board. Senator Quayle patroned a number of bills CURE supported and we hope that his appointment signals a change in the culture of the Parole Board.

Ex Senator Quayle named to the Parole Board

Virginia CURE congratulates ex Sen. Fred Quayle on his appointment to the Virginia Parole Board.

As a state senator Quayle patroned :

- bills in 2004, 2005 and 2008 that would lessen the time served for technical violations, Parole Mandatory Release (SB658, SB870, and SB205),
- bills addressing educational issues within the DOC, including: SB953, (2007) Incarcerated persons; develop accessibility to higher education using video conferencing technology SJ363, (2007) a bill to study the accessibility of educational programs and higher education within the DOC and SB949 (2007), and a bill to create a commission to study incarceration and reentry.
- He also patroned a 2004 law to give financial restitution to people wrongfully convicted and incarcerated for serious crimes .

Senator Quayle has sponsored or co-sponsored other legislation favorable to CURE issues during his time in the legislature.

He decided not to run for office again after his district was combined with that of Senator Harry Blevins. The part time position on the Parole Board pays \$52,000 per year. Quayle stated that he looks forward to being on the board, especially in light of his legislative experience with parole and criminal justice issues.

Parole Decisions Jan- Nov 2011

Mon.	Grant #	%	No Grant #	**
Jan.	18	6%	262	47
Feb.	7	2%	313	39
Mar.	9	2%	404	45
Apr.	14	3%	426	39
May	12	4%	317	34
Jun.	2	1%	159	13
Jul.	13	3%	374	51
Aug.	16	4%	424	96
Sep.	9	7%	126	18
Oct.	16	5%	280	19
Nov.	9	2%	384	26
Total	125	3%	3469	427

** Age 36 or less youth offense case

Virginia CURE 2012 Legislative Priorities

Principle Legislative Priorities

Virginia CURE decided to promote legislation that would relate to reentry since this is a priority of the Governor's office. We chose to find sponsors for several bills, some familiar from past efforts and some new. This year is not a pretty picture for criminal justice reform. Legislators who generally defeat our bills now control both houses. We had hoped our approach this year would be amenable to some since several of these bills would promote positive reentry. All failed in the House

These bills included:

TANF

- **TANF Opt Out of Prohibition of Drug Offenders**

HB 420 Eligibility for TANF; drug-related felonies. [Vivian E. Watts \(D-39\)](#) SB 552 [Barbara Favola, \(D-31\)](#) Provides that a person who is otherwise eligible to receive Temporary Assistance for Needy Families assistance shall not be denied assistance solely because he has been convicted of a felony offense of possession of a controlled substance provided he complies with all obligations imposed by the court and the Department of Social Services, is actively engaged in or has completed substance abuse treatment, and participates in drug screenings. HB 420 Defeated in the House, SB552 passed by Senate committee; House: Subcommittee recommends laying on the table by voice vote

Telephones

- **Restore authority of State Corporation Commission to Inmate phone calls**

HB 162 Telephone services for incarcerated persons. [Patrick A. Hope \(D-47\)](#) Authorizes the State Corporation Commission to exercise jurisdiction over rates and charges of telecommunication services that enable correctional inmates to originate calls at pay telephones or other telephones that are designated for prisoners' personal use. House: Laid on the table

Geriatrics:

- **Encourage release of geriatric prisoners**

HB 165 Conditional release of geriatric prisoners. [Patrick A. Hope \(D-47\)](#) Allows any prisoner serving a sentence imposed for a felony offense, other than a Class 1 felony, who has reached the age of 60 or older to petition the Parole Board for conditional release without regard to the number of years of his sentence he has served. Current law allows a 60-year-old prisoner to petition the Board after serving at least 10 years and a 65-year-old prisoner to petition the Board after serving at least five years of his sentence. House: Laid on the table

Parole

- **Promote transparency by eliminating FOIA exemption for Parole Board guidance documents.**

HB 397 Virginia Parole Board; exceptions to the Freedom of Information Act. [Patrick A. Hope \(D-47\)](#) Requires guidance documents of the Board to be available as public records under the Freedom of Information Act. The bill has a delayed effective date to give the Freedom of Information Advisory Council an opportunity to review the legislation and report on its implementation. House Laid on the table

Also:

Juvenile Justice

- **Conform to Supreme Court standard for realistic opportunity for release for juveniles now serving life without parole**

HB 435 Juveniles; certain persons imprisoned for felony offense eligible for parole. [Robert Tata \(R-85\)](#) Provides that any person sentenced to a term of imprisonment upon conviction of a felony offense who was a juvenile at the time of the commission of the offense is eligible for parole. House: Laid on the Table

HB 436 Juveniles; certain persons imprisoned for life eligible for parole. [Robert Tata \(R-85\)](#) Provides that any person sentenced to a term of life imprisonment upon conviction of a felony offense other than an offense set forth in Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2 (homicide offenses) who was a juvenile at the time of the commission of the offense is eligible for parole. House: Left in Committee

Other Bills of Interest:

HJ 122 Study; parole; report.: [Mark D. Sickles \(D-43\)](#) Establishes a joint subcommittee to study reinstating parole in the Commonwealth. *Committee Recommends Passing By Indefinitely*

HJ 126 Study; solitary confinement; JLARC: [Patrick A. Hope \(D-47\)](#). Directs the Joint Legislative Audit and Review Commission to study the use of solitary confinement by the Department of Corrections. *Laid on the table*

HJ 127 Study; Crime Commission; determining best use of resources for helping released nonviolent offenders [Matthew James\(D-80\)](#). Directs the Virginia State Crime Commission to study the creation of a rating mechanism to determine which nonviolent felony offenders would be best served by receiving aid in obtaining employment post-release. *Subcommittee recommends no action*

SB 314 Sexually violent predators; Director of DOC determines if prisoner meets definition [Harry B. Blevins \(R-14\)](#). Eliminates the use of the Static-99 assessment instrument for evaluating whether a prisoner convicted of a sexually violent offense or an unrestorably incompetent defendant charged with a sexually violent offense should be civilly committed. Instead, the Director of the Department of Corrections, in coordination with the Attorney General and the Department of Behavioral Health and Developmental Services, shall develop an assessment protocol to determine whether the prisoner or defendant meets the definition of a sexually violent predator. *Passed Senate (40 Y, 0 N)*

SB 420 Sex Offender Registry; notification of laws: [David W. Marsden \(D-37\)](#) Requires the Attorney General to annually compile laws containing requirements and prohibitions relevant to persons who must register as sex offenders and requires the State Police to publish the list on its website. *Failed to Report in Courts of Justice*

Some "good" bills passed the Senate such as **SB71** ([Bryce Reeves \(R-17\)](#)), raising the threshold amount for Grand Larceny to \$500.00. We don't know how this will fare in the House. **SB 111** a bill patroned by Sen. Janet Howell (D-32) also passed the Senate. This addressed technical violations with a program that would see violators swiftly brought in and serving short sentences. This program (SURE) is based upon the HOPE program in Hawaii, which is proving that swiftness of sentence is a better deterrent than long sentences.

Some "bad" bills were unfortunately passed, especially concerning sex offenders. We thought they had done all they could in this area but now it appears that sex offenders with crimes against minors will not be able to drive charter busses with over 32 passengers. Registration for juveniles with certain crimes (**HB1178**, Michael Weibert R-18). **SB 127**, Sex Offender Registry, Juvenile Registration ("Bill" [Stanley, R-20](#)) also got a favorable reception from those in power.

There is too much legislation to detail all in this newsletter. We will carry more information in our next newsletter. The session is only half over at this writing. Most of our bills did not make it out of the House but we will be following the few Senate bills that were passed on as they cross over to the House.

Whatever Happened To:

The Webb Bill S 306

In October **S 306**, the bill to establish a bipartisan National Criminal Justice Commission to study the American criminal justice system was not passed as had been hoped. Senator Webb issued the following statement..after Senate Republicans blocked passage of this legislation. "Today Senate Republicans blocked an important opportunity to make our criminal justice system more fair and effective. We will not back down. We will keep fighting for a comprehensive review of the justice system, with the help of the thousands of sheriffs, police, mayors and justice advocates who have joined us in pressing for reform."

Senator Webb's legislation has won support from more than 100 organizations, including the International Association of Chiefs of Police, the Fraternal Order of Police, the Sentencing Project, the NAACP, the ACLU, National CURE and Prison Fellowship. All is not lost, however. This bill to study America's entire criminal justice system recently received 57 votes in support .from all Democratic senators and 4 Republican senators. It needs 60 votes, however, so advocates are busy contacting their legislators to convince them to support this study. Both Virginia's Senators voted for the bill.

The Class Action Law Suit Against the Virginia Parole Board?

On Dec 30th, the Court of Appeals for the Fourth Circuit, after reviewing the briefs, have now decided tentatively to schedule the case March 20-23 for oral argument before a panel of 3 judges . While they can change their minds, the Court apparently saw enough issues to warrant probing at oral argument rather than just relying on the written briefs

**Virginia CURE Quarterly Meeting With DOC
Dec 8 2011****Highlights**

Prison Industries Programs: Buck Rogers, DOC convener, noted that possible PIE ventures are under review. At Indian Creek, an outside trainer from Johnson Controls is teaching 2 classes of 20 each in heating/AC. Classes are from 12 to 24 months. A big stumbling block for PIE is whether the General Assembly will back these programs. Mark Engelke, Director of Food Services informed us of the food management and training program at the DOC cafeteria. There are pilot programs underway at five other facilities. All told, 3400 inmates are involved in Food Management Certification programs across the state; these programs are not as intensive as the pilot programs, but, according to DOC, are very useful in opening the door to outside restaurant employment after the inmates are released.

Solitary Confinement Bob Bohall wanted specific figures on Solitary Confinement. Over 1700, or about 5 % of the prison population, are in segregation of some kind, 137 in isolation of 1 to 30 days. About 65 are in protective segregation. They get one hour, five times a week, for exercise. Library books are brought to them and they have their meals in cells. There is no television.

Libraries should not be affected by budget changes.

CDs: The sole vendor is Jones Music. If they can't get it there, it is unavailable.

Air Conditioning: Greenville Correctional Center will have AC within two years. No change at other prisons.

Green Rock Prison will lose Pennsylvania prisoners March 1, 2012. They will then accept prisoners from local jails and other Virginia prisons and continue to operate.

Sandra Brandt, who works on reentry issues, asked DOC to provide a cover letter of one page for each released prisoner covering their medications and their primary medical issues.

Virginia CURE Chapter News

Hampton Roads: The chapter finished off the year with their Christmas Card Project, supplying and signing hundreds of cards to prisoners. Thanks to Hampton Roads members for the time and effort they put in on this project!

Northern Virginia: The NoVa Chapter met in November to discuss possible legislation and our legislative priorities. The December meeting featured Delegate Patrick Hope speaking about the visit he and Delegates Adam Ebbin and Charniele Herring made to Red Onion prison this summer.

Richmond: Richmond CURE has been busy this past quarter: They hosted a guest speaker, Tom Fitzpatrick, lawyer with the ACLU who organized the effort to restore felons' voters rights last year, to update us on this issue. They held a letter-writing meeting to encourage members and others to write senators, delegates, the governor and newspaper editors regarding prison issues that were important to them. Lastly, They previewed legislative issues in order to be prepared for the upcoming General Assembly.

CURE works to stop abolishment of DCE

In the Governor's Reorganization bills (HB 1291 and SB 678) the DCE is targeted for dissolution. According to Gov. McDonnell's office, by eliminating the Board of Correctional Education and dividing the DCE into two parts under the DOC and the DJJ, the educational component will be streamlined and about 1.5 million dollars will be saved.

Virginia CURE was apprised of this situation in December and spoke of this with the Secretary Marla Decker. She requested our support. We informed her that we needed more details and followed up with a letter requesting more details. We received no response. We were informed that a number of higher level DCE staff were already reporting to the DOC.

Subsequently, we gathered information on what this merger would mean and did not like what we saw. The DCE was originally created to solve problems that occurred before 1973 when education was controlled by the DOC. According to experts our DCE is a model for the nation. Studies in the 70s, 80s and 90s confirmed that this agency should be continued.

CURE collected letters from a number of experts against this proposal, met with a number of key legislators and testified at committee hearings. The Governor sent two representatives to hearings to counter our testimony. In spite of all the hard work CURE volunteers and others put in, both bills passed with the DCE component still intact. Some of those concerned will be speaking to the administration to see if the educational functions of the DOC and the DJJ can be assigned to the state Department of Education. Some of the reasons CURE is opposed include: DOC has a different mission than DCE and does not know education. educators should be supervised by educators, not corrections officers; It is likely that when funds are low, they will be allocated to DOC functions and not education; teachers do not like to work under correctional officers. This program will be going back to a system that did not work before and may encounter the same problems that caused the formation of the DCE in the first place!

A Note About Letters to Virginia CURE

While Virginia CURE cares about your concerns and appreciates being kept informed, we don't have a volunteer staff large enough to reply promptly to all letters received. Please, keep it short and to the point. **Do not send legal papers.** We do not have the capacity to deal with legal issues. Send mail to **P.O. Box 2310, Vienna, VA 22183**

In the News: Virginia**Commission says sex offenders' risks are overestimated**

A JLARC study recently completed for the Virginia Crime Commission stated that Virginia's system for evaluating the possibility of recidivism for sex offenders is badly flawed. The study claimed that the risk assessment questionnaire being used often overestimates the likelihood of recidivism. But because Virginia's law specifies the assessment must be used, legislators would have to change the law to fix the problem. This study is the result of a bill passed last session ordering JLARC to review Virginia's civil commitment program after lawmakers were shocked by the sky rocketing cost of maintaining the civil commitment facility in Burkeville, that would soon see its 300 beds all occupied. Given that it costs the state around \$91,000 per year for a resident of the facility in Burkeville, it was deemed that a second look was necessary.

In 2006 legislators passed bills expanding the definition of sex crimes so that the number of crimes rose from 4 to 28. That's also when Virginia began using the Static 99 assessment tool, which caused a jump from 7% to 25% of those soon to be released who were deemed eligible for civil commitment. Other states use multiple measures to examine the potential for future crimes. Only Virginia relies solely on the Static 99.

The study recommended that more treatment be provided in the prisons and that the Static 99 be replaced with a more up-to-date and accurate assessment tool

Mecklenburg Correctional Center to Close

Pennsylvania prisoners will be leaving Green Rock by March and Virginia prisoners will be moved in. According to the Governor's press release: "Closing Mecklenburg Correctional Center and consolidating prisoners to the Green Rock Correctional Center in Chatham, ..., results in a net increase to the department's capacity by approximately 300 beds to house state-responsible offenders at no additional cost to the Commonwealth. It will also reduce the state's cost per inmate. It currently costs approximately \$29,562 per year for each inmate housed at the MCC. That cost will shrink to \$19,215 per year at the Green Rock prison.

"This was a difficult decision. Our agency has experienced several closings in the past 10 years and I am very mindful of the impact this announcement will have, specifically on our 300 MCC employees and the community," said Secretary Decker. "I have tasked the department to work directly with all employees at the facility to answer questions, explain options, and place as many of them in other positions as possible. Offenders currently incarcerated at MCC will be transferred to other prison facilities within the state with the ultimate goal of closing the facility by May 2012.

Senator Ebbin, Delegates Herring and Hope Introduce Bill to Study Limiting the Use of Segregation in Virginia's Prisons

State Senator Adam Ebbin (D-Alexandria), and Delegates Charniele Herring (D-Alexandria) and Patrick A. Hope (D-Arlington County) introduced legislation to study the use of solitary confinement and whether it is feasible to limit its use for long periods of time, especially for those with mental illness, and whether it can be done safely. The legislators recently toured the Red Onion State Prison where several hundred prisoners, many with a serious mental illness, are locked in segregation for years at a time. Prisoners in segregation at Red Onion spend 23 hours a day alone in an at-least-80-square-foot cell. Many of these prisoners in segregation will eventually be released directly back into the community.

State Senator Ebbin said, "We need an objective review of Virginia's current policies on solitary confinement." He added, "While the safety of our corrections officers and the general prison population is paramount, we cannot assume that all those without human contact for years are ready to be released directly into the community upon completion of their sentence."

Delegate Herring said, "Public safety is our first concern so that our community is safe and prosperous. Having a system that releases felons straight from solitary confinement to our streets without the benefit of appropriate mental health care poses a danger to everyone." Del. Herring added, "In addition to this broken system, working to integrate the population and treat these individuals while still incarcerated has proven to save the public money. Would we not rather want to increase public safety and save money so that can be then used for many other needs?"

Delegate Hope said, "It's alarming that prisoners can go from several years segregated in a small cell with very little human contact directly into the outside world." Del. Hope concluded, "Many of these prisoners have a very serious mental illness or become seriously mentally ill primarily to their segregation. With a trend in other States moving away from this kind of confinement, maybe it's time we took a hard look at what Virginia is doing and see if we can do it better in a safe and more humane way."

U.S. Labor Secretary Visits Newport News, Announces \$20.6 million grant -to Assist ex-offenders in transition

U.S. Secretary of Labor [Hilda Solis](#) announced the availability of \$20.6 million in federal grants for programs that help ex-offenders find jobs. The Department of Labor will split the grant into \$1.2 million awards to 17 organizations across the country. Grant money will be used to fund annex houses and transition homes which assist prisoners and former offenders with job training and education programs to help offenders earn diplomas, which in turn, helps to prepare them for reentry into the community. Solis asserts that people who serve time in prison should not be sentenced to a lifetime of unemployment, and when former offenders return to the community unprepared to get a job, they are more likely to recidivate. Grants of this type are a necessary and cost-effective way to increase public safety when prisoners are released and to decrease the likelihood that they will recidivate due to unemployment.

Bill takes small step to end prison-based gerrymandering in Virginia by Peter Wagner

A bill that will give more counties in Virginia the option to avoid prison-based gerrymandering has been re-introduced in the House. It passed unanimously last session only to die in a Senate committee.

Historically, Virginia law required counties to base their legislative districts on federal Census data, denying Virginia counties the flexibility exercised by counties in other states to choose the population basis of their required redistricting. The Census Bureau counts people in prison – who by state law can't vote and are not considered residents of the prison – as residents of the prison location. When used for rural county redistricting, this data can give extra influence to the people who live next to a large prison, and dilute the votes of residents in other districts in the same county.

In 2001, Virginia amended the law, giving counties where incarcerated people make up more than 12% of the Census population the option to avoid padding the Board of Supervisors district that contains the prison with the prison population.

Unfortunately, the 2001 law did not give all counties relief from state-mandated prison-based gerrymandering. For example, Southampton County's prison population was too small to benefit from the 2001 law, yet the county was still forced to draw a district that was more than half incarcerated. This gave the residents of the district with the prison more than twice the political influence of the residents of other districts in the county.

The bill, HB13, has been pre-filed by Delegate Riley Ingram (R-Chesterfield, Henrico, Prince George, City of Hopewell) and will give any county faced with drawing a district that would be more than 12% incarcerated the option of choosing to not include the prison populations when drawing the districts. The change in the bill is subtle, but it will more than double the number of rural counties eligible to keep prison populations from distorting their districts.

Ideally, the Census Bureau or the state would count incarcerated people at their home addresses for state

and local redistricting purposes. Prison and election-reform advocates are urging the Census Bureau to count incarcerated people at home in the next Census, and four states (California, Delaware, Maryland and New York) have passed legislation that applies to state legislative redistricting. But HB13 is an important step in the right direction towards ending prison-based gerrymandering in Virginia. (HB 13 passed the House and is now in the Senate.

NOTE Peter Wagner is Executive Director of the Prison Policy Initiative and author of numerous reports about prison-based

Forum on Recidivism Brings Out Experts and Legislators in DC

Ten states with the greatest potential cost savings could save more than \$470 million a year if they reduced recidivism rates by 10 percent, according to the Pew Center on the States. That was a message in December as Republican and Democratic leaders in Congress, representatives of the U.S. Department of Justice, and teams of policymakers and corrections officials from all 50 states gathered to discuss how the federal government can work in partnership with states to reduce recidivism.

"Federal, state and local governments are working together to promote public safety and reduce recidivism in our communities," U.S. Sen. Patrick Leahy of Vermont said about the Dec. 8 event in Washington, D.C. "Helping offenders return to their communities as productive members of society ultimately improves their lives and saves money for the communities in which they live. Reducing recidivism, through programs like those funded by the Second Chance Act, keeps us all safer." Key policymakers discussed the importance of adopting evidence-based strategies and the substantial fiscal impact that reducing recidivism can have on state corrections budgets.

The forum was designed to help participants learn about strategies that are working in states that have reduced these rates of recidivism. As a result of the forum, all 50 teams of state policymakers—which included the heads of the department of corrections, legislative leaders, judges and governor's staff—began working to set measurable goals for reducing recidivism, design plans to achieve these goals by drawing on the strongest research and experiences from the field, and identify benchmarks state and federal policymakers can use to track progress.

The event was sponsored by The Council of State Governments Justice Center, the Bureau of Justice Assistance, U.S. Department of Justice, the Association of State Correctional Administrators, the Public Welfare Foundation and the Pew Center on the States.

CURE Chapters

Northern Virginia CURE
 Jean Auldridge
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 3rd Thursday, 7:30 PM
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Richmond CURE
 Al Simmons
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Hampton Roads CURE
 James Bailey
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 3rd Tuesday, 7:00 PM
 Norview Baptist Church
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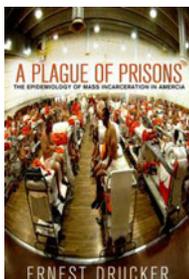
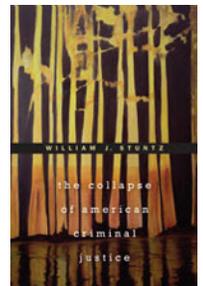
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Book Reviews:

The Collapse of American Criminal Justice William Stuntz boldly asserts that rule of law has vanished in America's criminal justice system, and theorizes that prosecutors now decide whom to punish and how severely. Stuntz further claims that inconsistent policing, rampant plea bargaining, overcrowded courtrooms, and ever more draconian sentencing have produced a gigantic prison population, with black citizens the primary defendants and victims of crime. This book delves into history for the roots of these problems—and for their solutions. Harvard University Press.



A Plague of Prisons In this compelling book, Ernest Drucker, an internationally recognized public health scholar and researcher, who spent twenty years treating drug addiction and studying AIDS in some of the poorest neighborhoods of the South Bronx contends that mass incarceration ought to be understood as a contagious disease, an epidemic of gargantuan proportions. With voluminous data and meticulous analysis, he persuasively demonstrates that the unprecedented surge in incarceration in recent decades is a social catastrophe on the scale of the worst global epidemics...The New Press

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Virginia CURE invites prisoners to submit original articles, poetry and artwork for consideration for publication. Virginia CURE reserves the right to edit submissions accepted for publication.

Virginia CURE will not return submissions unless prior arrangements are made. Send submissions to: Newsletter Editor, Virginia CURE, P.O. Box 2310, Vienna, Virginia 22183

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