

## Summer 2013

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#### Directors Corner

*It is a beautiful dry, sunny day as I write this note, but many CURE families can't help thinking of their family members housed in non air-conditioned facilities and suffering through this summer in terrible heat. We have expressed concern in the past about the warming temperatures and lack of air-conditioning in some of our prisons. Now, Greenville Correctional Center is being retrofitted with air-conditioning and DOC may soon be opening the air-conditioned North River facility. We urge the state to continue this retrofitting in those prisons left without. Better still, let's release more folks and close more prisons! This summer I spoke of these and other concerns at a presentation in St. Mary of Sorrows church in Fairfax. This church has been a strong supporter of CURE's work. I also spoke at a meeting of the Alexandria NAACP. I was interviewed by the Fairfax County Times and a Charlottesville radio station. CURE member Marcia Dickinson (Richmond Chapter) had her letter against solitary confinement published in the Washington Post!. We continue meeting with the Justice Policy Institute Coalition of criminal justice reform organizations to further identify passable legislation for 2014. Planning is also underway for our 26th Annual Meeting on October 19th. . Carla*

#### FCC Bars High Rates For Long Distance Phone Calls In Jails And Prisons Nationwide

An FCC workshop on the cost of prison phone rates was held in Washington on July 10. Panel members included CURE's own Charlie Sullivan, founder of National CURE and Delegate Patrick Hope (D-47) from Arlington. The panel addressed a number of concerns all too familiar to prisoners and their families. The report generated by this workshop was voted on at an August 10 meeting. By a 2 to 1 margin, the report with its recommendations was accepted! The Commission's reforms adopt "a simple and balanced approach that protects security and public safety needs, ensures providers receive fair compensation while providing reasonable rates to consumers" as follows:

“o Requires that all interstate inmate calling rates, including ancillary charges, be based on the cost of providing the inmate calling service. Provides immediate relief to exorbitant rates:

o Adopts an interim rate cap of \$0.21 per minute for debit and pre-paid calls and \$0.25 per minute for collect calls, dramatically decreasing rates of over \$17 for a 15-minute call to no more than \$3.75 or \$3.15 a call

o Presumes that rates of \$0.12 per minute for debit and prepaid calls (\$1.80 for a 15-minute call) and \$0.14 cents per minute for collect calls (\$2.10 for a 15-minute call) are just, reasonable and cost-based.”

Concludes that "site commissions", payments from providers to correctional facilities, may not be included in any interstate rate or charge; clarifies that inmates or their loved ones who use Telecommunications Relay Services because of hearing and speech disabilities may not be charged higher rates. Requires a mandatory data collection, annual certification requirement, and enforcement provisions to ensure compliance with this Order. Seeks comment on reforming rates and practices affecting calls within a state.

The DOC has contacted the attorney for the FCC and currently awaits the formal order that will explain what will be required of the states to realize the mandate. After receiving the order, the state will issue a memorandum for action. The order should come “soon”. We will have more information in the next newsletter.

**UPDATE ON NEW PAROLE REFORM LAW**

Bill Richardson

As we have previously reported, effective July 1, 2013, the Virginia Code has been amended to reflect enactment of House Bill 2103 earlier this year. Introduced by Delegate Mark Sickles and supported by Virginia CURE, this bill amends the powers and duties of the Virginia Parole Board to require that the Board:

“Ensure that each person eligible for parole receives a timely and thorough review of his suitability for release on parole, including a review of any relevant post-sentencing information. If parole is denied, the basis for the denial of parole shall be in writing and shall give specific reasons for such denial to such inmate.”

This bill was intended to address the Board’s longstanding practice of denying parole based solely on a form letter listing standard reasons, such as “serious nature and circumstances of your offense,” or “risk to the community.”

Virginia CURE has met with the Chair and Vice Chair of the Parole Board to discuss how best to implement the new statute. Given the large number of candidates still eligible for parole every year, and the Board’s limited staff, they believe that some reliance on standard forms is necessary. On the other hand, we emphasized the need for providing more “specific reasons” for parole denial, particularly in the case of those inmates who have served many years with model institutional records. According to the Virginia Criminal Sentencing Commission, for example, there are likely many hundreds of inmates who have already served longer under the “old” parole law than they would have served under the “new” post-1994 sentencing guidelines for the same offense.

We hope that the Board’s implementation of the new statute will reflect some greater effort to provide the “thorough review of . . . suitability for release on parole,” and “specific reasons for denial,” contemplated by the General Assembly. We will keep you posted. Meanwhile, we would appreciate receiving any information about the Board’s approach after July 1, 2013, including copies of parole denial letters.

We encourage family members to take advantage of your right to meet with a Parole Board member when inmates come up for parole. While parole grant rates continue to be very low, such meetings can demonstrate to the Parole Board that inmates continue to have the support of their families. At our meeting, Parole Board Chair Bill Muse asked us to inform Virginia CURE members of three changes the Board is making to its parole procedures.

First, family members (or other representatives) of candidates for parole may now meet with a Board member annually, rather than only every two years as before. Second, Board members are now trying to arrange to have these meetings in more convenient regional locations, so that you may not have to travel to Richmond. Finally, the Board is exploring the idea of meeting personally with those inmates eligible for geriatric release (generally those who have reached the age of 60 and have served at least five years, or those who have reached the age of 65 and have served at least ten years), since many are located in the same facilities (e.g., Deerfield or Greensville).

Please let us know if you would like more information about how to arrange to meet with a Parole Board member on behalf of an inmate who is coming up for parole consideration. Among the factors the Board would consider relevant at such a meeting would be an inmate’s conduct, employment, education, vocational training, and other developmental activities during incarceration; recommendations from the court, the prosecuting attorney, or corrections officials; family history, education, employment and military experience; physical and mental health; changes in motivation and behavior while incarcerated; and availability of a suitable release plan (including residence and employment prospects).

**Parole Grant Rates 2012-2013**

| Month               | Granted    |           | Not Granted |            | Revoked |
|---------------------|------------|-----------|-------------|------------|---------|
|                     | Number     | Percent   | Number      | Number     |         |
| <b>2012</b>         |            |           |             |            |         |
| January             | 4          | 4%        | 102         | 14         |         |
| February            | 9          | 6%        | 139         | 16         |         |
| March               | 9          | 2%        | 397         | 37         |         |
| April               | 7          | 3%        | 261         | 16         |         |
| May                 | 12         | 3%        | 353         | 25         |         |
| June                | 10         | 3%        | 285         | 38         |         |
| July                | 18         | 6%        | 279         | 16         |         |
| August              | 13         | 4%        | 312         | 6          |         |
| September           | 10         | 5%        | 209         | 40         |         |
| October             | 9          | 4%        | 208         | 31         |         |
| November            | 9          | 3%        | 272         | 11         |         |
| December            | 6          | 3%        | 223         | 23         |         |
| <b>Total 2012</b>   | <b>116</b> | <b>4%</b> | <b>3040</b> | <b>273</b> |         |
| <b>2013</b>         |            |           |             |            |         |
| January             | 5          | 1%        | 344         | 24         |         |
| February            | 3          | 1%        | 303         | 17         |         |
| March               | 9          | 3%        | 269         | 48         |         |
| April               | 9          | 2%        | 419         | 13         |         |
| May                 | 11         | 3%        | 346         | 20         |         |
| June                | 8          | 3%        | 281         | 47         |         |
| <b>2013 to date</b> | <b>45</b>  | <b>2%</b> | <b>1962</b> | <b>170</b> |         |

## **Virginia News**

### **Fairfax County Sheriff's Office made half a million dollars from inmate phone calls in 2011 phone services**

According to records obtained from the office's financial services branch in 2011 — the last year for which figures are available — the Sheriff's Office brought in \$612,000 in gross telephone receipts from its inmate telephone services program, which sells prisoners prepaid phone cards in \$10 or \$20 increments. Prisoners can be charged as much as \$5.31 for the first minute of a collect, or prepaid call made to an out-of-state phone number. Each additional minute is charged at a rate of 89 cents. This, according to advocates, is a higher rate than in any other facility in the country! Expenses for the phone system were \$41,190, so the net revenue was \$571,218.63. That figure represents a 93 percent commission rate, possibly the highest in the country. "The profits from the program go to support the infrastructure of the jail," the Sheriff informs us. The contractor for this state authorized program is IC Solutions.

### **Department of Juvenile Justice Studies Juvenile Facilities Needs**

Virginia CURE Juvenile justice advocates attended a meeting this August presented by contractors hired by the Department of Juvenile Justice (DJJ) to assess the needs of facilities for young prisoners. Earlier this year the DJJ announced that it would build a new large facility to house juveniles. There was a strong reaction from advocates who had the newest data concluding that juveniles were best served in small facilities or in Community Corrections. The DJJ decided to study the actual needs for facilities in light of new trends. Advocates came away from this meeting feeling that this will be an honest look at needs. The team includes a number of professionals who will be dealing with various aspects of administering juvenile justice including architects and program specialists.

### **Warden Changed at Buckingham and Dillwyn**

As of August 25, 2013, Dillwyn and Buckingham Correctional Centers exchanged Wardens. Dillwyn Warden Barksdale has replaced Warden Edmonds at Buckingham, and Edmonds took over at Dillwyn on Aug 28. Edmonds has risen through the administrative ranks of the VA DOC prison system, while Barksdale has risen to the top through security. Edmonds is known as a rehabilitation warden, whereas Barksdale is very security minded. This is good news for Dillwyn, as this security level 2 facility is an Intensive re-entry location for southwest and central Virginia.

### **DOC contracts with Jpay to provide communication and financial services**

Jpay is the corporation that is providing the kiosks we have spoken about in past newsletters. Families can access Jpay services via their secure Internet web page. Jpay describes itself as being "committed to helping friends and family of inmates stay connected to their incarcerated loved ones through a variety of corrections-related services offered in more than 30 states across the country, as well as to providing the quickest and most reliable payment options for individuals in community corrections." They have been in business for 9 years and are "The one-stop shop for probationers, parolees, and anyone else making community correction payments." Jpay tells us that families can: "Send money to your loved one in state prison, email your cousin in county jail, chat with a friend using video visitation, or give the gift of music with the JP4® player."

Initially, we were excited about the prospect of technological improvements coming to the DOC, but we forgot to consider the possibility that they could lead to another "middle man" to manage and make a profit from this new prison industry. But, this is what has evolved. Fees will be charged for JP4 players, and video visitation. We have been assured that money orders sent by the US Post Office will incur no fee, as is currently the case.

However, there will be a cost, for email the same as for a stamp, though we send emails for free in the outside world! As for other fees, donations from 1 cent-\$20.00 via the Jpay website will cost \$3.95, by phone \$4.95; donating \$20.01- \$100 online will cost \$6.95, by phone \$7.95; donating \$100-\$200 online will be \$8.95, by phone \$9.95; \$201-\$300 will incur a fee of \$10.95 online, \$11.95 by phone. Walk-ins where funds are transferred at authorized businesses will be \$7.95 no matter what amount the contribution is.

Virginia CURE will be looking into this system as it exists in some of the 30 states touted by Jpay to learn more about how this service is working. Let us know your experiences, good and/or bad with this service. Please keep your letters short and to the point, so volunteers can quickly process your information.

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**Save the day and join us at  
Virginia CURE's 26th Annual Meeting  
Focus on Mass Incarceration  
The Problem, The solutions**



**October 19, 2013**

**Arlington Unitarian Universalist Church  
4444 Arlington Boulevard  
(corner Arlington Blvd. and George Mason Dr.)  
Arlington, VA 22204**

**9:00 AM - 3:00 PM, Lunch Included**

**Pre-registration form**

**Please complete one form per person and return with Check or Money Order payable to Virginia CURE to cover registration fee of \$25.00 per person (includes luncheon and materials)**

**\$10.00 for students, scholarships available  
You may send one check for multiple registrations.**

**Name** \_\_\_\_\_

**Address** \_\_\_\_\_

**City** \_\_\_\_\_ **State** \_\_\_\_\_ **Zip** \_\_\_\_\_

**Home phone** \_\_\_\_\_ **Business phone** \_\_\_\_\_ **Cell** \_\_\_\_\_

**Email** \_\_\_\_\_

**Send to Virginia CURE, PO Box 2310, Vienna, VA 22183**

## National Trends

### House of Representatives Establishes Overcriminalization Panel

The panel is a bipartisan task force that aims to pare the federal criminal code which is too complex and bloated. The committee is comprised of 5 Republicans and 5 Democrats. This is the most comprehensive examination of federal law since the 1980s. Rep. James Sensenbrenner (R-WI) leads the task force. He is expected to reintroduce a bill that would cut the size of the criminal code by a third. Rep. Bobby Scott (D-VA) expects the committee to work through consensus. "We've been warned it's going to be a working task force and it means we'll have to essentially go through the entire code," he said. It is estimated that there are 4,500 criminal statutes and thousands of regulations that carry criminal penalties. This examination is supported by groups as disparate as the ACLU, CURE and the Heritage Foundation. Everyone agrees that the law needs an overhaul. In its first hearing on overcriminalization, the House task force heard from the Heritage Foundation, the National Association of Criminal Defense Lawyers, and former Deputy Attorney General George Terwilliger. Citing the \$6.6 billion budget to run federal prisons, American Bar Association president William Shepherd told a House panel that, "Incarceration has been proven to have a negative impact on future income, employment prospect, and family involvement. Reducing overcriminalization saves taxpayer money and improves the lives of all citizens."

### Supreme Court Makes it Tougher to Enhance Sentences

The U.S. Supreme Court ruled that a Washington man should not have gotten a harsher penalty for a crime because a judge had investigated his previous offenses, reports the Associated Press. The 8-1 decision came in the case of a Washington state man convicted of possessing a firearm in 2005. He could have been sentenced to a decade in prison, but since he had been convicted of multiple crimes, he fell under the Armed Career Criminal Act, which requires a sentence of at least 15 years if the defendant has three prior convictions for violent felonies. The man argued that his 1978 conviction for burglary wasn't violent and didn't count. The federal judge decided to investigate the record himself and decided that it did count. The man appealed, and the Supreme Court reversed the decision.

### Smarter Sentencing Act passed

After decades of "get tough" rhetoric, Republicans and Democrats in Congress are finally coming together to say "enough." The Smarter Sentencing Act, S. 1410, introduced by Senators Durbin (D-IL) and Lee (R-UT), takes two significant steps forward. First, it reduces overly harsh penalties for drug offenses and allows judges greater flexibility in sentencing. Second, it extends the more equitable crack cocaine provisions of the Fair Sentencing Act retroactively to individuals serving prison terms under the now discredited 100-to-1 sentencing disparity. While this legislation does not eliminate mandatory minimums altogether, by reducing penalties and restoring discretion to judges it will help to mitigate their harshest effects.

## Around the States

### South Carolina Sentencing Reform Reduces Numbers in Prison, Increases Probationers

With the South Carolina corrections department running a \$27 million deficit and heading higher, a bill introduced in 2010 has instead, caused a drop in the number of prisoners by more than 2,700 resulting in closure of two prisons. Taxpayers saved \$3 million in 2012 alone.

### California and Eight Other States Dramatically Reduced Juvenile Incarceration

Driven by budget cuts, lawsuits and research, the state reduced the number of youths in correctional facilities by 41 percent between 2000 and 2010. California and eight other states have dramatically reduced juvenile incarceration. The others are Connecticut, Illinois, Ohio, Mississippi, New York, Texas, Washington and Wisconsin.

### Indiana Law Could Clear Thousands of Criminal Records

The new law, creates a mechanism for thousands of Hoosiers who've been arrested or convicted of mostly non-violent crimes to wipe clean their criminal history if they meet certain conditions. The law spells out in detail what crimes are – and aren't – covered and how to go about getting them expunged. Legal help may be necessary in applying for the expungement as violation of the rules can carry strong penalties. Nevertheless many people convicted of relatively minor offenses will now be able to get their records expunged. Drunk driving and low level drug dealing are among the covered offenses.

## Ban the Box

Ban the box, an effort to remove the “have you ever been arrested” checkbox on so many applications, has been gaining ground in the United States. The National Employment Law Project (NELP) has been a leader in the movement to restore fairness to the process of criminal background checks and remove unnecessary or badly-designed barriers to the employment of people with criminal records. They report that over 50 cities and 10 states have passed ban the box legislation. This ban is limited to public entities like city governments. In Virginia, Newport News made the change last fall, Richmond banned the box in March of 2013, and Norfolk in June. Virginia Beach is soon to follow suit.

CURE’s Hampton Roads Chapter created an online petition for the Hampton Roads area which was taken to officials in several cities in 2012. Thanks go to James Bailey and the Hampton Roads chapter for their work on this issue. NELP is working nationally to enforce Title VII of the Civil Rights Act of 1964 and the Fair Credit Reporting Act to expand job opportunities for people with criminal records. The organization maintains extensive resources on the Equal Employment Opportunity Commission's guidance on the use of conviction and arrest records in employment decisions and the guidelines of the U.S. Department of Labor applying the civil rights protections to the workforce development community. If you can, check their website: [www.nelp.org](http://www.nelp.org). There is a huge amount of information displayed there.

## Recent Reports

### International Growth Trends in Private Prisons

This report from the Sentencing Project examines the growth of private prisons which were begun in England in the 16<sup>th</sup> century but took off in the US in the 1980s. Enthused by promises of quality services, efficient management and lowered costs, states turned to private prisons to save money and address overcrowding. By 2011, these prisons were being criticized for not delivering on their promises. Services were poor, costs were not lowered and criminal justice policy was negatively affected. Nevertheless, several other countries followed suit. This allowed US companies like GEO to diversify by expanding overseas.

Noteworthy findings in this report indicate that 11 countries now have private prisons, the greatest number of which are in English speaking countries. The prison privatization market outside the states is dominated by GEO and two British companies. Media reports from other countries describe the same abuses and that private prison companies’ profit motives often lead to inadequate services and unsafe conditions. Virginia has one private prison in Lawrenceville. The VCBR( Virginia )received

unsolicited bids for its operation by private companies in 2012, but decided not to go in that direction.

### The Potential of Community Corrections to Improve Safety and Reduce Incarceration

A report by the Vera Center on Sentencing and Corrections examines the new emphasis on Community Corrections as an alternative to imprisonment. This report summarizes what constitutes best practices in community corrections today and describes the efforts of some states to reshape their work. including factors working against reform.

The report advises that Community Corrections needs a major change in the culture that has dominated supervision agencies for at least the last 30 years, an investment in resources to enable agencies to adopt evidence-based practices, a realistic plan, a commitment to record and measure outcomes, and an understanding among the courts, legislature, and executive-branch agencies of their role in enabling supervision agencies to deliver on public safety expectations.

## 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**

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## CURE Chapters

Northern Virginia CURE  
 Carla Peterson  
 Vacurel@cox.net  
 3rd Thursday, 7:30 PM  
 Walter Reed Community Center  
 2909 16th St S  
 Arlington, VA 22204

Richmond CURE  
 Al Simmons  
 Al22s@hotmail.com  
 4th Sunday, 1:00 PM  
 Friends Meeting House  
 4500 Kensington Ave  
 Richmond VA 23221

Hampton Roads CURE  
 James Bailey  
 Jbailey383@aol.com  
 3rd Tuesday, 7:00 PM  
 Norview Baptist Church  
 1127 Norview Ave.  
 Norfolk VA 23513

## Board of Directors Issue Representatives 2013

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### WE NEED YOUR EMAIL ADDRESS!

If you have an email address and are not receiving updates from Virginia CURE, please send a message to vacurel@cox.net. (vacure one)

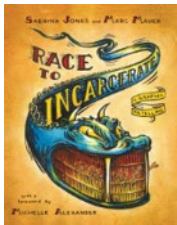
### Have You Renewed Your Membership?

Please see membership form on back page.

We can't do this without you.

## Book Reviews:

### RACE TO INCARCERATE: A GRAPHIC RETELLING



Marc Mauer's *Race to Incarcerate*, first published in 1999, has become an essential text for understanding the exponential growth of the U.S. prison system and a canonical work for those active in the U.S. criminal justice reform movement. Jonathan Kozol, the writer and education activist, called it: "A tremendously disturbing and important book about the devastating increase in our prison population...Now, graphic artist Sabrina Jones has collaborated with Mauer ...to produce a vivid and engaging comics narrative. Jones's dramatic artwork adds passion and compassion to the complex story of four decades of prison expansion and its corrosive effect on generations of Americans and the implications for American democracy. *Race to Incarcerate: A Graphic Retelling*, in this highly accessible format, chronicles the lives of those imprisoned and the fallout from a failed social policy. With more than two million people now imprisoned, this book is more essential than ever. The book is published by The New Press and available from its catalogue and national booksellers.



Citizens United for Rehabilitation of Errants– Virginia, Inc.  
**Virginia CURE**  
P.O. Box 2310  
Vienna, Virginia, 22183

Virginia CURE web site  
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*Today's prisoners  
are tomorrow's neighbors*



Member

Citizens United for the Rehabilitation of Errants– National, Inc.

**Are you a Member of Virginia CURE?**



Use form for new memberships or to renew your membership for

## Membership in Virginia CURE

Join Virginia CURE today and become a part of the effort to work for criminal justice reform and safety in our communities. Send dues payment to:

Virginia CURE, P.O. Box 2310, Vienna, Virginia 22183

**Dues are payable January 1** on a yearly, non-prorated basis for current year. Prisoner members need to include state number on all communications to CURE.

*Remember to send address changes.*

### Check type of membership

- Prisoner\* \$ 2.00
- Individual \$ 15.00
- Family \$ 25.00
- Sustaining \$ 50.00
- Organization \$100.00
- Life \$100.00
- Renewal

Please make checks payable to **Virginia CURE**. Contributions are tax deductible under the provisions of 501(c)(3), Internal Revenue Code.

\*Prisoners may send five stamps.

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\_\_\_\_\_ city state zip

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phone day ( ) evening ( )

fax ( ) \_\_\_\_\_

Involvement:  prisoner  family  friend  professional  volunteer

other \_\_\_\_\_ Institution \_\_\_\_\_

*please specify*

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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