

## Winter/Spring 2015

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#### Director's Corner

*Since our last newsletter, VACURE members have been busy advocating for prisoners and families. We saw all of the bills that were special to us defeated as usual! We are looking now at spending more time finding common cause with conservative organizations whose goals may actually be similar to ours, though for different reasons. We are overjoyed that our Governor has finally banned the box on state applications and hope that this is a harbinger of change! Virginia now has more communities that have banned the box than any other state (13)! We hope this trend will increase and more communities will give returning citizens a chance to live productive lives.*

*My apologies go out to all of you who have written to us and are awaiting replies. The volume of mail has been great and we are trying to answer all, however, late.*

#### General Assembly 2015: Legislative Report

This year we focused on the following bills of special concern. All failed as noted below. Virginia CURE continues to emphasize sensible reentry policies and procedures, and humane conditions in our prisons with a focus on rehabilitation.

##### Prisons

**HB 1403 Prisons; telephone systems; Prisoner Reentry Fund established. Hope D-47** Provides that inmate phone services commissions paid to the Commonwealth shall not exceed 10 percent of the overall net revenue realized by the provider. All commissions or revenues received by the Commonwealth on prisoner telephone calls shall be paid into the state treasury and credited to the Prisoner Reentry Fund to be used for independent pre-release and post-release reentry and transition services programs. . [01/23/15 House: Reported from Militia, Police and Public Safety \(15-Y 7-N\)](#) [01/23/15 House: Referred to Committee on Appropriations](#), [01/29/15 House: Subcommittee recommends laying on the table by voice vote](#)

##### Reentry

**SB 819 Favola D-31, HB 1569 – Orrock, R- 54 Eligibility for TANF; drug-related felonies.** 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 that 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. . **(SB 819)** [01/23/15 Senate: Reported from Rehabilitation and Social Services \(8-Y 7-N\)](#) [02/03/15 Senate: Reported from Finance \(10-Y 4-N\)](#) **(HB1569)** • [01/27/15 House: Assigned App. sub: Health & Human Resources](#) [02/03/15 House: Subcommittee recommends laying on the table by voice vote](#)

**SB 1017 Employment applications; inquiries regarding criminal arrests, charges, or convictions.**

**Dance D-16** Prohibits state agencies from including on any employment application a question inquiring whether the prospective employee has ever been arrested or charged with, or convicted of, any crime, subject to certain exceptions. A prospective employee may not be asked if he has ever been convicted of any crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if the prospective employee has a conviction record that bears a rational relationship to the duties and responsibilities of the position. A prospective employee may not be asked if he has ever been arrested or charged with a crime unless the inquiry takes place after the prospective employee has received a conditional offer of employment, which offer may be withdrawn if (i) the prospective employee's criminal arrest or charge resulted in the prospective employee's conviction of a crime and (ii) the crime of which he was convicted bears a rational relationship to the duties and responsibilities of the position. The prohibition does not apply to applications for employment with law-enforcement agencies, fire departments, and emergency medical services agencies. The bill also authorizes localities to prohibit such inquiries. [02/03/15 Senate: Read third time and passed Senate \(19-Y 19-N\) 02/11/15 House: Subcommittee recommends laying on the table by voice vote](#)

**Juvenile Justice/Overincarceration**

**HB 1369, Lindsey D-90, Grand larceny; increases threshold** Increases from \$200 to \$500 the threshold amount of money taken or value of goods or chattel taken at which the crime rises from petit larceny to grand larceny. The bill increases the threshold by the same amount for the classification of certain property crimes. [01/13/15 House: Assigned Courts sub: Criminal Law 01/19/15 House: Subcommittee recommends laying on the table by voice vote, SB379](#)

**SB 730 Juvenile offenders; sentence modification: Marsden D-37** Provides a mechanism for persons who are sentenced to more than 25 years, for a nonhomicide offense committed while a juvenile, to petition for a modification of sentence at age 35 or after serving 20 years of the sentence, whichever occurs later. [01/21/15 Senate: Reported from Courts of Justice \(7-Y 6-N 01/27/15 Senate: Read third time and passed Senate \(23-Y 16-N\) 01/30/15 House: Referred to Committee for Courts of Justice 02/09/15 02/16/15 House: Subcommittee recommends laying on the table by voice vote, 02/24/15 House: Left in Courts of Justice](#)

**Parole**

**HB 2388 Parole Board, Parole Review, Required Release Sickles, D-43** Requires the Parole Board to release any person eligible whose time served, including earned sentence credits and good conduct credits, exceeds the midpoint of the most recent discretionary sentencing guidelines for the same or similar offense unless the Board feels there is a substantial risk that such person will not conform to conditions of parole, and issues a reasoned decision explaining the basis for such decision. [01/23/15 House: Referred to Committee on Militia, Police and Public Safety 01/28/15 House: Assigned MPPS sub: #3 02/02/15 House: Subcommittee recommends laying on the table by voice vote](#)

The full list of bills pertaining to criminal justice is posted on the web site at [www.vacure.org](http://www.vacure.org). If you can't access the Internet and want a copy, please write and we will send you a copy of the complete list.

**Good News! Virginia Bans the Box!**

On April 3, 2015, Gov. McAuliffe signed an Executive Order to Ban the Box on State Hiring. Executive Order 41 "bans the box" on employment applications requiring applicants to indicate if they have been convicted of a crime, which will allow many applicants to be more thoughtfully considered for positions for which they are well-qualified. The press release states: "The Order makes clear that criminal history shall not be a determining factor in employment decisions, unless an individual's criminal history bears specific relation to the job for which they are being considered". "In a new Virginia economy, people who make mistakes and pay the price should be welcomed back into society and given the opportunity to succeed," said Governor McAuliffe. "This Executive Order will remove unnecessary obstacles to economic success for Virginians who deserve a second chance." The order went into effect immediately.

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### **Prison and Jail Video Visitation: A forward looking idea implemented badly**

Bernadette Rabuy, Policy & Communications Associate, Prison Policy Initiative

For-profit video visitation is quietly sweeping the nation's prisons and jails. While the technology has existed since the 1990s, the video visitation industry has grown tremendously in the past few years. Currently, over 500 correctional facilities in 43 states and D.C. have implemented video visitation systems.

In our January 2015 report, *Screening Out Family Time: The for-profit video visitation industry in prisons and jails*, we found that, in addition to the Department of Corrections' video visitation program, at least eight county and regional jails in Virginia have implemented video visitation.

Ironically, video visitation is far more common in county jails than in state prisons even though the potential benefits are fewer. In state prisons, video visits *supplement* traditional visits, but in county jails, video visits typically *replace* traditional in-person visits. For example, in Portsmouth County, Virginia, the jail has banned in-person visits and charges a fee for both video visits from the facility as well as video visits from home. Portsmouth County is the only county in the country that we know of that does not provide visitors with a certain number of free video visits per week.

### **Video Visitation in Virginia**

Fran Bolin, Director, Assisting Families of Inmates

Assisting Families of Inmates is pleased to be offering our Video Visitation Program to 17 state facilities. The program offers meaningful visitation opportunities for families with an incarcerated loved one who are separated by distance and cannot travel to the prison. We are excited that the program is available in five areas of the state for families - Alexandria, Norfolk, Petersburg, Richmond and Roanoke. This year we have already had more visits and more visitors than in any year previous! The average percentage of video visits per month is 13.5% of all visits. The program is growing and will continue to do so as we add other prisons and community sites in the near future. We believe that family connections and successful family reintegration are the most important aspects for successful reentry, healthy families and healthy communities. We strive to serve these families in the best ways possible and to provide significant visitation opportunities with both our Transportation and Video Visitation Programs (for a full list of services offered and facilities/communities served please visit our website [www.afoi.org](http://www.afoi.org)). “

Editors note : Prisons in remote locations receive the most video visits. Charges for the visits are \$15.00 for ½ hour and \$30.00 for 1 hour. Authorization for video visitation depends upon security level: Level 1-3, no restrictions, Level 4-5 and progressive housing six month infraction free and segregation (Red Onion) 12 months infraction free. There is a minimal fee to cover costs for the non-profit agencies only – the fee does not go to the Virginia Department of Corrections. Application information is available on the Assisting Families web site. Also take note that for those who wish to apply for contact visits, AFOI will assist those who cannot access the online form. AFOI can be contacted by phone (804) 643-2401, and will process and submit the application for the visitor. Also note that jails are administered by towns and counties and are not part of the Department of Corrections.

The rise of video visitation has left families with loved ones in county jails with two options: take the time and expense to travel to a jail for a visit with a computer screen or pay up to \$1/minute for a visit from home. This practice of banning in-person visits violates best practices put forth by the American Correctional Association and the American Bar Association. Research has long found that in-person visits have positive outcomes for public safety.

Fortunately, there have been victories in the fight against video-only visitation policies. In Dallas County, Texas community members led by Texas CURE successfully pressured their county legislators to reject a video visitation contract that would have banned in-person visits and in Multnomah County, Oregon (home to Portland), the sheriff recently reversed the ban on in-person visits.

### **McArthur Foundation Shifts Attention to Jails**

The McArthur Foundation assembled criminal justice leaders from around the U.S. in Washington, D.C., in February to outline a plan to spend \$75 million over five years to promote reforms that could reduce jail populations and hold down crime rates at the same time. The foundation maintains that reformers have focused on prisons but jails are where the incarceration problem begins. MacArthur will fund government agencies in 20 places to experiment with new ways of holding down their jail populations, while preserving public safety and saving taxpayer dollars

**VACURE/DOC Meeting April 6, 2015 Highlight**

The meeting began at 11:00 am. Attending from DOC: Christine Eacho, Reentry Services Manager; Jim Parks, Offender Management Services; Scott Richeson, Re-entry and Programs Director; Steve Seldon, Financial Management & Reporting; Liz Thornton, Operations Manager Support; Rose Durbin, Regional PREA Analyst and Rebecca Hancock, Procedure Development Manager. Attending from JPay: Jessica Lust, Customer Service Representative, and Wence Torroes, Financial. Attending from VACURE: Carla Peterson, Christa Pierpont, Mary Anne Stone, Rev. William Twine, and Frances Boatman.

In response to questions concerning the lack of access to complaint forms for the Step Down program at Red Onion, Scott Richeson assured us that complaints were being filed and were heard. Furthermore, she said, there is on going monitoring of the program at Red Onion as well as the Star program at Keen Mountain. An external team also reviews the program, visiting the facility, and talking with offenders twice a year. She indicated that DOC is looking at implementing similar programs at other facilities on an individualized basis. As for solitary confinement at Red Onion, the DOC reaffirmed that there has been a reduction in numbers from 511 in S level in 2011 to 154 currently.

VACURE brought up a prisoner suggestion that prisoners be allowed to see their records prior to being considered for parole especially since some prisoners claim that data was incorrect or missing. Jim Parks stated that CORIS is working better now and continues to be updated with information from hardcopy files. Sometimes older information is not included. Since offenders are not and will not be, allowed to review their files, it is recommended they take copies of any certificates of accomplishments to their parole hearing.

Steve Seldon explained that e-mail, being piloted at Keen Mountain and Nottoway will be rolled out to all facilities on April 16<sup>th</sup>. New Operating Procedure 803.1 has been developed regarding e-mail, which mandates that e-Mail delivery is not restricted, but is treated as first class mail and will be delivered promptly upon review. (CURE's discussions regarding this subject at our last meeting were taken into consideration in its development.) The facility can restrict use of the kiosks for music and music downloads, but not for e-mail. Recipients must request to receive email because DO"does not want email going to victims"

Jpay representatives stated that JPay money transfers are made simultaneously to the institution and to the DOC facility bank. The institution reviews the transfer, presses a button, and it is posted to the offender's account. Steve Seldon says they are looking at changes to the system so the money can be transferred directly to the offender's new facility if he transfers. (Currently, the old account is closed and a check sent to the new facility.) Once again, JPay denied that there could be up to three weeks wait to get Money orders processed. JPay wants to provide the best service possible they stated, and asks anyone having problems with late arriving payments or Money Orders to please email the specifics to [CUREHELP@JPAY.com](mailto:CUREHELP@JPAY.com). They will investigate the matter to resolve any issues. To keep the fees on money transfers as low as possible, Virginia does not receive any commission on JPay money transfers.

Education News: Director Clarke is very committed to secondary education; therefore, profits from the music downloads are being utilized as matching funds for the Sunshine Lady's secondary education grants. Any residue goes to the facility.

Christa Pierpont presented a list of Virginia Correctional Enterprise Questions in an attempt to promote establishing a PIE Program in Virginia DOC, since Virginia is a certified PIE State. PIE programs bring outside business into the prison allowing prisoners to earn more and to be trained in skills that could transfer to the outside upon release. Christa also presented excellent information from the Correctional Education Association conference she recently attended.

Responses to other questions: The telephone contract, is still under negotiation. GTL remains the DOC provider at the moment. Liz Thornton stated that the medical budget for offenders has not changed. Responding to VACURE complaints, DOC will look into the high cost of having to purchase aspirin from the commissary, versus formerly being able to purchase through Medical at a much lower cost. The change is due to insurance we were told; any over-the-counter drugs are not reimbursed by insurance.

The meeting ended at 2:00 pm

**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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**National News****High court orders review of sex offender GPS monitoring**

State programs that use GPS systems to monitor sex offenders could eventually be jeopardized based on a preliminary Supreme Court ruling March 30. A North Carolina sex offender was given another chance to prove in court that being forced to wear an ankle bracelet for life could be unconstitutional. The man was ordered by a state Superior Court judge to enter the GPS monitoring program in 2013. It requires him to wear an ankle bracelet around the clock. State officials can enter his home unannounced to maintain the base station. Because the bracelet must be charged daily, the order "requires him to be plugged into a wall outlet at least once a day for four to six hours at a time," his Supreme Court petition said. The challenge contends that the extreme nature of the monitoring constitutes an unconstitutional search under the 4th Amendment. The high court agreed and sent the case back to the lower court for a full hearing along those lines. The justices have ruled in the past on such issues as a GPS device surreptitiously attached to a suspect's car and a police search of a cell phone upon arrest. In both cases, the court struck down the searches "As GPS surveillance technology advances, the public will continue to demand its use in more -- and more intrusive -- searches," the petition says. "This court must make certain that such searches comport with the requirements of the Fourth Amendment."

**New National Trend: Recycling Old Prisons**

Recent trends in sentencing and early release have reduced the number of prisoners resulting in prison closures throughout the states. Since 2011, at least 17 states have reduced prison capacity, for a total of more than 35,000 beds resulting in significant numbers of empty prisons. As states looked for ways to utilize these facilities, new trends are emerging. Florida's Gainesville Correctional Institution was transformed into a homeless shelter in 2014. A number of ideas are circulating around a vacant upstate New York prison including a Native American Cultural Center, a veterans' cemetery and a summer camp for kids. A North Carolina organization, Growing Change, designs models and methods for "flipping" vacant prisons and is set to transform a North Carolina prison into a vegetable farm turning the solitary cells into aquaponic tanks for fish that shunt fish waste through sun-facing walls into a greenhouse to fertilize crops.

Frequently seen is the transformation of old prisons into hotels. The Liberty Hotel, located in Boston's former Charles Street Jail, began accepting overnight guests in 2007. The hotel features "the Clink" restaurant, "where the "vestiges of original jails cells create cozy nooks for dining."

**Federal Fair Chance Hiring Initiative**

On January 22<sup>nd</sup>, advocacy groups launched an initiative urging President Obama to take executive action to ensure that employment opportunities with federal agencies and contractors are open to qualified job-seekers with arrests or convictions in their past. The initiative is being jointly organized by All of Us or None, the PICO National Network, and the National Employment Law Project (NELP). Currently 13 states, the District of Columbia, and 96 cities and counties across the country have adopted Ban the Box and other fair chance hiring measures. Virginia CURE has signed on to this initiative.

**Constitution Project Holds briefing On Legislation to Reduce Incarceration In the Federal System**

The Right Left Criminal Justice Working Group of the Constitution Project, which arranged the January briefing, is made up of both conservatives and liberals concerned with advancing meaningful criminal justice reform in the federal system, which currently lags behind many of the states. The focus was on legislation aimed at reducing incarceration rates and broadening the opportunity for ex-offenders to safely reintegrate into society through improved reentry programs and reductions of collateral consequences. The group considers all aspects of our criminal justice system, including sentencing, prisons, prisoner reentry, mental health and forensics.

Among the many speakers to the standing room only crowd was: Sen. Al Franken (D-Minn.); Sen. Rob Portman (R-Ohio); Rep. Danny Davis (D-Ill.); Rep. Jim Sensenbrenner (R-Wisc.); Mark Holden, senior vice president and general counsel for Koch Industries, Inc.; former Obama administration official Van Jones, president of Dream Corps Unlimited and CNN contributor; Piper Kerman, author of *Orange is the New Black: My Year in a Women's Prison*; and Pat Nolan, director of the Center for Criminal Justice Reform at the American Conservative Union

Will briefings and hearings like this result in more legislation to reform the federal system and influence state systems? The wind seems to be on the backs of reformers, especially when both sides of the aisle are now working together. Let us hope!

## Virginia Parole Board Grant Rates January - February 2015

Bob Bohall

Three out of 288 prisoners were granted parole in January 2015, 4 of 292 in February (See Virginia Parole Board Decisions on the Internet at <http://vpb.virginia.gov/parole-decisions/>). The number of prisoners considered for parole was in line with an average of 292 prisoners considered for parole monthly in 2013. Parole was revoked for 11 former prisoners in January, 12 in February. This is about in line with a three or four ratio of revocations to paroles being granted in recent years starting in 2011.

Blacks comprised more than 60% of the prison population in Virginia in 2013 contrasted to 19 percent of the state population. This racial imbalance continues to be reflected in the data for prisoners not being granted parole each month. 62% of persons being denied parole in October 2014 were black, generally in line with recent data from 2010 to date. 73% of January parole revocations were blacks which continue longer term trends of 67% to 72% in 2010 – 2013.

The proportion of prisoners that are 60 years of age or older has been steadily increasing over time. In January 67 parole denials (23%) and no paroles or cases resulting in the revocation of parole were for those 60 or over. Fiscal year information from the Virginia Department of Corrections indicates there has been a threefold increase in the number of confined prisoners 50 years old and over between 2000 and 2012.

Month/Year	Granted		Not Granted	Revoked
Jan-15	Number	Percent	Number	Number
	3	1%	288	11
Feb 15	4	1%	292	12

### Reports:

**The State of Sentencing 2014**, from **The Sentencing Project** highlights policy changes in 30 states and the District of Columbia in both the adult and juvenile justice systems, including:

- Scaling back sentences for low-level drug offenses
- Reducing barriers to reentry, including employment restrictions and bans on public assistance
- Eliminating juvenile life without parole

The Sentencing Project's Marc Mauer testified before the Charles Colson Task Force on Federal Corrections, calling for reforms to federal sentencing structures to create an upper limit of no more than 20 years in prison, barring exceptional circumstances. The New York Times stated that "a compelling case" can be made for such a policy since "long sentences do little to prevent crime."

**What Caused the Crime Decline?** from **The Brennan Center** This report examines statistics documenting the current decline in crime and results in three major conclusions: 1. Increased incarceration has no relation to crime rates, 2. new police procedures involving collection of data used to identify crime patterns has affected declining crime rates and 3. social and economic factors have affected the decline as well. Increased incarceration accounted for approximately 6 percent of the reduction in property crime in the 1990s and had little effect on the drop in violent crime. Based on an analysis of the 50 most populous cities, this report finds that CompStat-style programs were responsible for a 5 to 15 percent decrease in crime in those cities that introduced them. Increased numbers of police officers also played a role. According to the report's analysis, the aging population, changes in income, and decreased alcohol consumption were also factors affecting crime. The findings of this report raise questions as to whether the fiscal and societal toll taken on society is worth the cost and that we should shift priorities away from ineffective policies turning to policies proven to work

**Pretrial Justice and The Right to Counsel at First Judicial Bail Hearing:** A new report released in March by **The Constitution Project National Right to Counsel Committee** concludes that providing indigent defendants with an attorney at initial bail hearings is critical to ensuring fairness and due process. The report states that many states and localities continue to conduct judicial hearings inside a police precinct or jail, with no public present, to a court without a lawyer for the defendant. The committee offers six recommendations for reforms to make the promise of effective counsel during the first bail hearing a reality, including conducting the first appearance hearings in public, so defense counsel and family members can present information supporting the least onerous pretrial release provisions possible, and redirecting much of the money saved through reductions in jail populations toward supporting early assignment of counsel. The committee also urged state and federal agencies to do a better job at collecting data on pretrial representation and case outcomes.

**CURE Chapters**

Northern Virginia CURE  
 Carla Peterson  
 Jcarla4vacure@gmail.com  
 3rd Thursday, 7:30 PM  
 Arlington Unitarian Church  
 4444 Arlington Blvd.  
 Arlington VA 22204

Richmond CURE  
 Julia Hebner  
 juliabhebner@comcast.net  
 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

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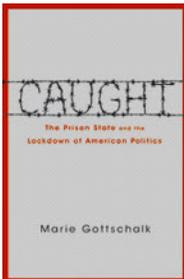
We can't do this  
 without you.

**WE NEED YOUR EMAIL ADDRESS!**

If you have an email address and are not receiving updates from Virginia CURE, please send a message to vacure1@cox.net. (vacure one)

**Book Review:**

**CAUGHT by Marie Gottschalk**



The huge prison buildup of the past four decades has few defenders today, yet reforms to reduce the number of people in U.S. jails and prisons have been remarkably modest. The author documents what she calls a “carceral” state that has grown larger and larger with expanding numbers of stakeholders. This state operates within prisons and jails and extends its reach outside through probation and parole, immigrant detention, lifetime restrictions on sex offenders, barriers to employment, and to citizenship itself. Gottschalk exposes the pathologies in American politics that are preventing the country from solving its most pressing problems. She concludes by sketching out a promising alternative path to begin dismantling the carceral state. In this book, Marie Gottschalk examines why the carceral state, with its growing number of outcasts, remains so tenacious in the United States. She analyzes the shortcomings of the two dominant penal reform strategies—one focused on addressing racial disparities, the other on seeking bipartisan, race-neutral solutions centered on reentry, justice reinvestment, and reducing recidivism.

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

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are tomorrow's neighbors*



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## 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
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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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phone day ( ) evening ( )

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

Involvement:  prisoner  family  friend  professional  volunteer

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

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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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