

Winter 2017 highlights

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Director's Corner

Family responsibilities took me some time away from VACURE this year, but we are now back to business. One thing that was held up this past year was the newsletter, so here it is with our apologies for making folk wait so long! The documentary on Red Onion has been shown in Washington in January, in February on HBO and in Richmond (with attendance over 200 people) in February! I had the privilege of taking a family trip to Pennsylvania where we toured the grim stone edifice that was the Eastern State penitentiary, where solitary was first practiced. How anyone could have thought that the environment there would be rehabilitative boggles the mind! The next trip will be to Costa Rica for the International CURE meeting, a little less grim but we hope informative.

General Assembly 2017

This year saw a focus on mental health. Sentencing was addressed in several bills pertaining to appeals and several bills concerned driving restrictions. Among parole bills was one on access to Parole Board guidance documents, and another on the creation of a Parole Qualifications Committee to review candidates for the board and a juvenile lifer parole bill. A bill generated by the DOC (HB1651) exempts those with long sentences from the "forced savings" plan (see below). A number of good bills were defeated this year as usual. Also as usual, there were too many bills to present here. For a larger legislative list contact VACURE at PO Box 2310, Vienna VA 22180 or check our website for the Final Legislative Report.

Some bills that passed :

SB 941 Forensic discharge planning services; local and regional correctional facilities. [John A. Cosgrove, Jr.](#) | Directs the Commissioner of Behavioral Health and Developmental Services, in conjunction with the relevant stakeholders, to develop a comprehensive plan, by November 1, 2017, for the provision of forensic discharge planning services at local and regional correctional facilities for persons who have serious mental illnesses who are to be released from such facilities.

SB 1063 State Board of Corrections; membership; powers and duties; inmate death investigations. The bill requires that the State Department of Health and the Office of the Chief Medical Examiner assist the Board in developing and implementing these policies and procedures and with any death investigation undertaken by the Board. The bill also specifies requisite qualifications for individuals appointed to the Board.

HB 1545 Criminal cases; delayed appeals, assignment of errors dismissed in part. [Christopher E. Collins.](#) Provides that an appellant may file a motion for leave to pursue a delayed appeal in a criminal case in the Court of Appeals of Virginia when the appeal was dismissed, in whole or in part, for a failure to (i) initiate the appeal; (ii) adhere to proper form,

procedures, or time limits in the perfection of the appeal; or (iii) file the indispensable transcript or written statement of facts, even if other parts of the appeal were refused on the merits

SB 975 Community services boards; preadmission screening; regional jail inmates. [L. Louise Lucas](#) | Provides that the duties of a community services board include providing preadmission screening services to inmates incarcerated in a regional jail where the locality served by the community services board is a participant in such jail.

HB 1651 Inmate trust accounts; exemption [Kaye Kory \(by request\)](#) | Provides that an inmate who has been sentenced to a term of imprisonment that makes the inmate ineligible for release, excluding geriatric release, prior to 75 years of age is exempt from depositing 10 percent of any funds the inmate receives into an inmate personal trust account

HB 1845 Model addiction recovery program; DCJS, et al., to develop: [M. Kirkland Cox](#) . Requires the Department of Criminal Justice Services, in consultation with the Department of Behavioral Health and Developmental Services, to develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, [etc].

HB 1734 Virginia Parole Board; exceptions to the Virginia Freedom of Information Act (FOIA): [Patrick A. Hope.](#) Requires guidance documents of the Virginia Parole Board to be available as public records under FOIA

SB 817 Restricted driver's license; purposes. [Scott A. Surovell.](#) Adds travel to and from a job interview to the list of purposes for the issuance of a restricted driver's license.

SB 854 Unpaid court fines, etc.; increases grace period for collection. [William M. Stanley, Jr.](#) | Collection of unpaid court fines, etc. Increases the grace period after which collection activity for unpaid court fines, costs, forfeitures, penalties, and restitution may be commenced from 30 days to 90 days after sentencing or judgment

Virginia News**Governor Announces Changes to Parole Board**

The previous chair of the parole board, Karen Brown, is no longer on the board. Adrienne Bennett is the new Chair. A new member, Jean Cunningham, has also joined the board. Biographical information as provided by the Governor's office is below.

Adrienne Bennett, Chair, Virginia Parole Board

Adrienne Bennett has served as a member of the Virginia Parole Board since her appointment in October of 2015. She has been an active member of the Virginia State Bar since 1998. Prior to her appointment to the Parole Board, she was a solo-practitioner for over 11 years, previously having been a partner in a small law firm and also having worked in both the Norfolk and Virginia Beach Public Defender's Office. Ms. Bennett devoted the majority of her legal career to advocating in and out of court on behalf of abused, neglected and sexually exploited children as a certified Guardian *ad litem*. She graduated from Virginia Tech in 1994, with a B.S. in Political Science and a minor in Sociology. She received her Juris Doctorate, *cum laude*, from the University of Baltimore School of Law in 1998.

The Honorable Jean W. Cunningham, Member, Virginia Parole Board

Jean Wooden Cunningham, a former member of the Virginia House of Delegates who served from 1986-1998, has been appointed to the Virginia Parole Board. Cunningham has served as Chair of the State Board of Elections and as a member of the State Council of Higher Education. In 2000, she retired from Alcoa, which had merged with Reynolds Metals, where she was Vice President of Human Resources for a major business unit and had for years served as an attorney. She has been a member of the McCammon mediation firm since 2004.

Parole Grant Rates May 2016 - January 2017

| Month | Hearings | Grants | Percent | Geriatrics | Grants | Percent |
|-------|----------|--------|---------|------------|--------|---------|
| May | 194 | 4 | 2% | 46 | 2 | 4% |
| Jun | 419 | 21 | 5% | 108 | 4 | 4% |
| Jul | 391 | 12 | 3% | 117 | 2 | 2% |
| Aug | 188 | 8 | 4% | 15 | 0 | 0% |
| Sep | 160 | 5 | 3% | 21 | 0 | 0% |
| Oct | 208 | 8 | 4% | 29 | 1 | 3% |
| Nov | 187 | 6 | 3% | 30 | 0 | 0% |
| Dec | 293 | 0 | 0% | 24 | 0 | 0% |
| Jan | 145 | 14 | 9% | 16 | 2 | 1% |

Incorrect Release Dates

We received nearly 50 letters responding to our incorrect release date request. Some of the letters involved complications not related to a formula. We were only concerned with the formula for calculating the release date since it appeared that some were factoring wrong. A member did some research and came up with a workable formula for levels I-III prisoners to figure out their release dates:

1. To compute your release date you first **multiply** the number of years in your sentence by 365 days in a year.
2. Next, **subtract** the number of jail days served up to the CRD date.
3. Then **subtract** the number of good time jail credit days (2.25 days for every 30 days in jail BEFORE the CRD date)
4. **Multiply** the number of days left in your sentence by:

- .86956 for time spent as a Class Level I inmate
- .90909 for time spent as a Class Level II inmate
- .95238 for time spent as a Class Level III inmate

This will give you the actual number of days you have left to serve.

Virginia News continued

'Ban the box' successful in Richmond City!

Four years ago Richmond City decided to "ban the box". Human resource data indicates that though 1 in 4 applicants deemed eligible for city jobs had a criminal record most did get the job! Studies by the city's Human Resources Department indicate that since 2013, about one of every four people deemed eligible to be hired had criminal records and most ended up getting city jobs. City Council President Michelle Mosby who spearheaded the ban the box policy is delighted to see such success.

The city council voted in 2013 to delete the box requesting that applicants indicate if they had been convicted of a crime. Numerous cities throughout the state as well as the state government itself also instituted ban the box policies. Between 2013 and 2016, Richmond city conducted criminal background checks on 2,587 job seekers after the initial screening. Of those, 769 applicants, or 30 percent, were shown to have criminal records. After further review, 89 applicants were dismissed as ineligible for the post they were seeking. The rest became eligible for positions, the department reported.

Virginia selected for pilot program Safe Alternative to Segregation

Virginia is one of five states selected to participate in the Safe Alternatives to Segregation Initiative created by the Vera Institute of Justice. The four other states are Louisiana, Minnesota, Nevada, and Utah. The Vera Institute has been working with states for a number of years now to aid them in reducing the number of people in segregation.

The use of segregation has been criticized since its inception in the 19th century. It has been accused of being ineffective and expensive, as well as cruel. Lately more and more attention has turned to this practice by corrections professionals, legislators and the public. The Virginia DOC has reduced the use of solitary and developed a Step Down program to allow prisoners to work their way out of solitary. This program is controversial among prisoners and advocacy groups like CURE, but it is an attempt to deal with the problem of solitary use that the VADOC describes as highly successful.

Vera plans to help the selected corrections departments in assessing how the use of solitary is working in their state, what strategies can be used to reduce the use of solitary and to guide the departments as they implement plans to reduce the practice. The initiative's guidance council includes experts in reform and also includes representatives from systems which have successfully addressed the issue. The partnership will last for 21 months and will begin in early 2017. Vera will provide \$2.2 million from a grant by the Dept. of Justice and states will provide funding up to \$50,000. When accepting the award, Director Clarke stated: "Since 2011, the Virginia Department of Corrections has made significant progress in reducing the use of restrictive housing. While we are pleased with the progress we have made, including recognition by the U.S. Department of Justice and the Council of State Government's Southern Legislative Conference, we also know that there is more work to be done. We are delighted to be selected for this initiative and we welcome the opportunity to learn and share ideas with Vera and the participating departments."

Juvenile Justice Looking Up

Some Virginia juvenile law breakers will now experience their incarceration in an environment more conducive to rehabilitation than a large juvenile prison. Some youths are being directed toward a community placement program, one of eight established in Virginia at seven local juvenile detention centers giving the state an alternative to a form of incarceration that is more successful than the previous system that did not work. Eventually, the two juvenile facilities Bon Air and Beaumont will be replaced with smaller facilities with fewer beds. The state currently plans to build a 64 bed facility in Chesapeake. Some would like even smaller facilities with as few as 25 beds. Studies indicate that smaller facilities promote less recidivism. Andrew Block Jr. Director of the Department of Juvenile Justice, has stated that the state wants the kids to be in smaller places and closer to home.

VADOC establishes stringent new visitation regulations

The VADOC has announced that, due to a substantial amount of contraband entering the facilities via visitation and the mail room, very stringent rules will now apply to visits and mailed items. The recent closure of restrooms near the visiting rooms was only the beginning. Now, prisoners will have to strip nude and dress in state issue jumpsuits, socks and even underwear when attending a visit. Vending machines will only carry candies and certain snacks and beverages. Visitors who need to use the designated restrooms will be searched upon return. Correspondence will be opened and copied in the mailroom and a "maximum of three black and white photocopied pages front and back will be provided to the offender." Correspondence will then be shredded with the exception of legal and court ordered documents. There is more detail in the announcement to prisoners, but that is the gist of it! For the complete letter with all the new rules, contact VACURE at PO box 2310, Vienna VA 22183 or check the website www.vacure.org. Correspondence rules become effective April 17, visitation, April 22. VACURE will be joining a coalition of several organizations to address this situation. Members are urged to contact the DOC and state legislators.

Notes from

VACURE/DOC Meeting, December 2016

Attending: Carla Peterson, Director, Eric Peterson, Treasurer, MaryAnne Stone, Vice Chairman VACURE Board, Marie Vargo, Corrections Operations VADOC

Topics:

Visitation:

- **CURE:** The locked bathrooms visitation policy has been in effect for some time now. Have there been any problems or complaints? We have received letters from family members with disabilities who have now, been unable to visit due to the new policy. Also, has there been a lessening of smuggled drugs since the bathroom policy went into effect?
- **Ms. Vargo:** Yes there was a lessening of contraband. From Jan 6, 2016 to end of June there were 22 attempts to bring in drugs, while from July 1 to the present there were 4 attempts. Unfortunately, there can be no exceptions for elderly or disabled due to the increasing drug problem. The only prison that allows restroom use is Greenville, due to the nature of its campus.. Greenville searches those going to the restroom and uses a body scanner. The DOC does not consider this an ADA issue

JPay-

- **CURE:** What new services have been made operational since the last meeting we had with you? Are there any new kiosks or plans for more kiosks underway?
- **MS.Vargo:** Jpay has added new games to download. They would like to add more kiosks, but are waiting till a new contract is signed as they expect to upgrade the system and add new features. Jpay is hiring new technical staff throughout the state.

Tablets-

- **CURE:** Is there any possibility that tablet use may be coming to Virginia prisons? They are available in some other prison systems
- **Ms. Vargo:** Yes, they are looking forward to making tablets available. Both the telephone and the kiosk contracts are coming up soon. The Request for Proposals is being put together. (Eric asked if we could see the RFP and was told, of course, this is a public document, but, since it is still a year or more before it comes out, we will have to wait.)

Telephones .

- **CURE:** Are you contemplating installing more phones now that more people want access to telephones?
- **Ms. Vargo:** GTL has done a statewide survey of all the facilities and will be upgrading the system. One problem, however, is that many facilities have limited phone lines available. Another problem is the amount of space within the facility to accommodate more telephones. Also, establishing wiring costs both time and money. GTL, however, is slowly working on the upgrade through regions. They are beginning in the Eastern Region and will next deal with the Central and lastly the Western Region. This is huge undertaking and will take some time.

Medical-

- **CURE:** Hep C, how is treatment proceeding? Are there any plans for expanding treatment or are budget difficulties affecting this situation? Are there other medical treatments being affected as well?
- **Ms. Vargo:** We are doing the best we can. Many people do not understand that there are a number of varieties of Hep C and these require difference medications. Everyone wants the newest, most expensive medication, but that is not always the most appropriate for each case.

Air Conditioning

- **CURE:** We had asked this past summer in a phone conversation about air conditioning in prisons. Where are we now with air conditioning?
- **Ms. Vargo:** most of the facilities are now air conditioned. They are currently working on Virginia Correctional Center for Women after which they will move on to Nottoway. Some prisons still not air-conditioned include Augusta, Baskerville and Buckingham. Brunswick, by the way, is slated to be torn down.

Community Service pay-

- **CURE:** There is an issue raised by a family member concerning work that is labeled “community service” with the pay going to pay down fines .Currently, some Courts allow community service to pay down fines and some Courts deny the petition
- **Ms.. Vargo:** “Pay for work is considered just that: payment for work and not community service. In some unusual cases, an “outlier” judge will write an order allowing work to go toward paying down fines, but this is highly unusual.

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**

Geriatrics:

CURE: We continue to receive letters from older prisoners requesting more geriatric housing. Are there any geriatric pods? Are you contemplating another geriatric prison ?

Ms. Vargo ; Accommodating people in age groups would be complicated and would require resources we don't have. It is simpler to house people according to security level. Sometimes they are housed according to medical location, but there are no plans to separate prisoners by age.

Rec period

CURE: We revisit this issue discussed in the last meeting concerning lack of recreation for people who need time to go to jobs or classes. We still believe that it is mandated that prisoners get 1 hour of rec per day and this is not happening for those that work or study.

Ms. Vargo: The DOC continues to consider out of cell time as recreation.

CURE We suggest then that the terminology is confusing since we were led to believe by the word "recreation" that leisure or physical exercise was meant. Perhaps it should be called "out of cell time"?

Tradesmen licensing

CURE: The Governor is currently supporting tradesmen licensing in Virginia due to the shortage of skilled/licensed workers in Virginia. Can DOC offer Skilled Tradesmen Programs/Licenses at each facility in Electric, Plumbing, HVAC, and Welding, and assist in obtaining licenses for those inmates. Can instructional videos be uploaded for vocational class computers to assist in these programs.

Ms. Vargo: Most of the CTE training ongoing in the department (85%) ends with industry based certification and they look forward to improving. They also have college credit accrued for classes taken. Some licenses can be gotten by taking on line tests. VDOC has received an award for their career technical education.

IT Resources

CURE:Some facilities have new computers sitting there, not installed, for over a year because there is no I.T. person available to install them. Could they be set up in Richmond by the I.T. person and then shipped to the facility?

Ms. Vargo: Our IT people are working hard but cannot keep up with the workload.

CURE: Can a digital antenna be purchased at each facility with money from the Commissary fund? Inmates can receive free digital channels, such as PBS, Discovery Channel, National Geographic, old T.V. shows, etc. and stay occupied with educational programs. Don't believe they contain anything that affects security.

Ms. Vargo: The use of a large facility wide antenna would violate the contract with the company that provides tv services. It is easier for the inmates to purchase smaller antennae themselves. This is something that Keefe sells. Some facilities, however, do not have good reception due to their location. Antennae at facilities are only at a feasibility stage now.

Other

Reports

Hep C in State Prisons

A study published in October of 2015 was the most recent research to focus attention on the problem of Hepatitis C in state prisons. Researchers state that though Hep C affects about 1% of the general population, estimates concerning Hep C in prisoners, range from 10-17%. . In the forty-one states whose departments of corrections reported data, 106,266 inmates (10 percent of their prisoners) were known to have hepatitis C on or about January 1, 2015. Only 949 (0.89 percent) of those inmates were being treated. The main finding of the article was that despite the drugs being available and effective, less than 1 percent of known infected inmates actually receive treatment. This is despite US Supreme Court rulings that prison officials must provide adequate medical care of inmates, and the Federal Bureau of Prisons' Clinical Practice Guidelines recommend the use of DAAs. Currently, prisoners in Massachusetts are suing the state for withholding treatment. On average, each state spent about 6 percent of their annual drug budget on hepatitis C medications: \$39.8 million annually. This is despite the fact that many states actually negotiate lower prices. Prices for a twelve-week course of direct-acting antivirals such as sofosbuvir and the combination drug ledipasvir/sofosbuvir varied widely as of September 30, 2015 (\$43,418-\$84,000 and \$44,421-\$94,500), respectively. Cost thus, plays a major role in viability of treatment. It has been suggested that in order to reduce the hepatitis C epidemic, state governments should increase funding for treating infected inmates. State departments of corrections should consider collaborating with other government agencies to negotiate discounts with pharmaceutical companies and with qualified health care facilities to provide medications through the federal 340 B Drug Discount Program. Helping inmates transition to providers in the community upon release can enhance the gains achieved by treating hepatitis C in prison.

Reports Continued

State-Level Estimates of Felony Disenfranchisement, 2016

This report by the Sentencing Project updates a previous report done in 2012

The report presents multiple tables and graphs illustrating the state of felons voting rights in the US in 2016. It concludes that there is still much work to be done. As of 2016 it was estimated that 6.1 million people in the US are disenfranchised due to a felony conviction and that this number is growing as people are released from prisons.

The report notes that there are stark differences among the states with some states allowing voting from prison (Maine and Vermont) and 12 states, including Virginia restricting voting after release. Overall 2.5 % of US citizens of voting age are disenfranchised due to a felony conviction.

Furthermore, the report states that African Americans are affected more than other groups. In 2016 Over 7.4 percent of the adult African American population is disenfranchised compared to 1.8 percent of the non-African American population. In 4 states, including Virginia, more than 7 percent of the adult population was disenfranchised. Furthermore, it is clear that this practice has political consequences and that disparities in the criminal justice system are linked to disparities in political representation.

Parents Foot the Bill for Juveniles in Jail

A common practice in America's jails is, as most of us know, to punish the family by charging them for the incarceration. In the case of juveniles, some believe that billing parents will encourage them to better discipline their children. A new survey by the Marshall Foundation indicates that in 19 states juvenile-justice agencies can bill parents for incarceration in jails, camps, treatment or training facilities and in at least 28 other states and individual counties can do the same. Some states explain that parents are only providing for their children as they would on the outside. The head of Louisiana's Office of Juvenile Justice, has stated that the the practice kept the families in touch with the children and besides, the state needs all the funding it can get! INow, however, some are beginning to fight back, saying that the practice is counterproductive since it adds burdens to families that are already burdened. In California , the state tried to collect \$10,000 from a single mother who was a house cleaner. Another parent sold her house and went bankrupt to pay Orange County more than \$9,500 for her son's incarceration! Now, groups of parents, lawyers and students are fighting back. A group in California showed that Oakland, spent \$250,938 collecting \$419,830 from parents which was labeled "little financial gain". States and counties are looking at this practice and some are declaring moratorium. The Marshall Project study highlighted in an article in the Washington Post has resulted recently in the abolishment of this practice in Philadelphia. Do we dare hope that it will someday be abolished at Adult Detention Centers too?.

Study reports states raising the age for juveniles saves money and cuts crime

A Justice Policy Institute study of the increasing practice of raising the age for eligibility as a juvenile is having positive results. The study shows that states that have raised the age of jurisdiction have seen a decrease in crime. Though there are several reasons for this statistic, beginning with the general decrease in crime throughout the country, access for older teen prisoners to education, training and treatment as juveniles is most likely a primary reason. In some states, such as Connecticut the governor and legislature are working on a bill that will automatically place all offenders up to 21 years old into the juvenile justice system. It remains apparent that, at whatever age, prisoners and governments benefit from provision of services focused on rehabilitation!.

Public opinion research shows that a significant majority of Americans favor voting rights for people on probation or parole who are currently supervised in their communities, as well as for individuals who have completed their sentences...The report concludes that if ex felons rights were restored 77% of disenfranchised people would be voters.

Costs of the Criminal Justice System

A new paper by Peter Wagner and Bernadette Rabuy of The Prison Policy Institute makes the first systematic attempt to add up every part of the cost of mass incarceration. The total is eye-popping: \$182 billion, every year! The authors admit that they faced a problem of incomplete data so the authors were forced to guess based on other work, but this is a very educated estimate.

The three largest categories are public corrections agencies (\$80.7 billion), policing (\$63.2 billion) and judicial and legal expenses (\$29 billion). Then there is the private prison industry (costs of \$3.9 billion and profits of \$374 million); and the cost of utilities (\$1.7 billion), food (\$2.1 billion), construction (\$3.3 billion) and health care (\$12.3 billion),, typically contracted out these days., civil asset forfeiture (\$4.5 billion) ... and costs to families for commissary and phone calls (\$2.9 billion). On the other side of the ledger, there is only one sub-category of spending which is unequivocally dedicated towards due process for the accused: indigent defense — i.e. providing public defenders for the poor — which costs \$4.5 billion.

CURE Chapters

Northern Virginia CURE
 Carla Peterson
 Carla4vacure@gmail.com
 3rd Thursday, 7:30 PM
 Arlington Unitarian Church
 4444 Arlington Blvd.
 Arlington VA 22204

Richmond CURE
 Mary Anne Stone
 mary.anne.stone@verizon.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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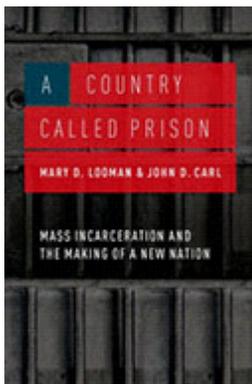
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 We can't do this without you.

Book Reviews:

A Country Called Prison



: Mary D. Looman and John D. Carl
 The crime control approach of the 1980s and 1990s resulted in a well-documented rise in the U.S. prison population that would not plateau until early in the 21st century. By the year 2000, the incarceration rate in the country had tripled from its levels around 1980. Books published within the last decade have examined the implications of this increase in the United States from criminological, sociological, and psychological perspectives. In their new book, *A Country Called Prison*, authors Mary D. Looman and John D. Carl contribute to this ongoing dialogue by framing the harms of incarceration in an innovative context using the analogy of the U.S. prison system as a country. Co-authors, Looman and Carl, have years of experience working directly with correctional populations in addition to their educational backgrounds. In their writing, the authors apply an approach that mixes anecdotes from these experiences in correctional facilities, with criminology theory and statistical support. The result is a book that reads smoothly and challenges the reader's viewpoints, while introducing both narrow and broad policy recommendations for the future

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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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.

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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

InsideOut is published by Citizens United for Rehabilitation of Errants–Virginia, Inc., P.O. Box 2310 Vienna, VA 22183 Phone and fax:703-272-3624.