

IOWA CITIZENS UNITED FOR THE REHABILITATION OF ERRANTS

An Effort to Reduce Crime Through Criminal Justice Reform - Winter 2017

IMPORTANT IDOC STAFF CHANGES

At the January meeting of the Iowa Board of Corrections the retirement of Warden Nick Ludwick was announced. Speaking by phone, Ludwick said that, due to the fact that he has been battling cancer for a number of years he would like to return to his home and family in Michigan. He has submitted his resignation as warden at ISP

He said that when he was selected for the position of warden at ISP he was told that his emphasis should be on changing the culture at ISP which was felt to lack civility and communication. He feels that he has been successful in doing that. He is obviously very proud of having his staff and the prisoners complete the move from the old prison to the new without incident. As he leaves he hopes for continuity of what he has accomplished. We all wish him well as he returns home and continues treatment surrounded by his family.

Patti Wachtendorf who has been the warden at Iowa Correctional Facility for Women since 2009 will replace Warden Ludwick. She began her career in corrections at ISP 1963 as a counselor. She oversaw the building and expansion of the new campus at the women's prison. That work was completed without encountering the many problems that were and, continue to be, plaguing the new prison at ISP.

Taking over the reins at ISP may not be an easy task. Some insiders have suggested that Warden Ludwick's absence, due to illness and treatment has resulted in others who were not necessarily the best qualified, moving into decision making positions. Will these folks now be ready to step back and accept Warden Wachtendorf's leadership? We wish her well. She is an experienced take charge person.

Sheryl Dahm, currently warden at Clarinda Correctional Facility will become the warden at the women's prison. She was on the staff there for a number of years in the past. She was deputy director of prisons in the Eastern Region before being appointed warden at Clarinda. She faces the challenge of a tight IDOC budget which makes it hard to adequately staff the beautiful new facility and offer the programming that had been planned.

Dr. Harbens Deol, medical director for the department, has left Iowa to take a similar position in Nebraska. This is a serious loss for the department as Dr. Deol had made many improvements in the medical service and had done significant work on finding placements for difficult to place prisoners upon discharge. He has also worked on addressing the needs of the aging prison population. Another challenge is the extremely high cost of medications. In addition, Dr. Sparks who had

been the doctor who staffed the ISP medical clinic is no longer employed by the department. This means there is no doctor available and prisoners who are seriously ill must go to the local hospital. We hope this situation is only temporary.

JANUARY MEETING OF IOWA CURE

JANUARY 29TH, 2 P.M.
TRINITY/LOS AMERICUS UMC
1548 8TH ST. DES MOINES, IOWA

Marty Ryan and Stephanie Fawkes-lee, legislature advocates for the Justice Reform Consortium will be our speakers for the January meeting of Iowa CURE. They will fill us in on what to expect from the legislature during this session which began January 9th and how we can work for positive change in the current environment. They have also been working to help re-activate the local chapter of Iowans Against the Death Penalty. They will give us an update on that work. JRC is a member organization and this includes membership for Iowa CURE, but we have the opportunity to join as individuals. Iowa has not had the death penalty since 1965; however the recent killing of two policeman in Des Moines has stimulated some legislators to suggest that Iowa should reinstate the death penalty. In these times of change within our society we need to come together to find hope and to plan for action.

IOWA BOARD OF CORRECTIONS NOW APPROVING POLICIES AS REQUIRED BY IOWA LAW

Under Iowa law the Iowa Board of Corrections is required to adopt and establish policies for operation and conduct of the Department and the implementation of all Department programs. For as long as most of us can remember the Board has not been performing this function; they have left it to IDOC staff, often to the Director. Marty Ryan, Legislative Advocate for the Justice Reform Consortium brought this to the attention of the Board and staff at a meeting of the Board last year. Director Bartruff responded by saying that the Board had decided that they would rather not perform this function and trusted the staff to do it; however Ryan pointed out that this is not a choice they can make as they must follow the law. Director Bartruff agreed.

At the January board meeting Diann Wilder Tomlison, Inspector General got the IDOC presented a list of eight policies with recommendations for approval or changes and approval. Several were confidential. The board will study these recommendations and act on them at the next meeting.

We are pleased that the Director and board responded to Ryan's request that the Board be in compliance with Iowa law regarding this issue, and we thank Marty for bringing it to their attention.

SUPPORTING THE REPEAL OF THE EXCLUSION CLAUSE OF THE 13TH AMENDMENT

The American Correctional Association has adopted a resolution supporting the repeal of the Exclusion clause in section 1 of the Thirteenth Amendment of the Constitution. They believe that it is grossly inconsistent with current and sound correctional practice and societal norms and basic human decency. This Amendment provides that, "neither slavery or involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist within the United States". The AMA is adamantly opposed to slavery and involuntary servitude as acceptable punishment for those convicted of crimes. International CURE is in support of this resolution. We would recommend that our members watch the documentary film "13th" for more information about this issue.

The AMA also recommends the field testing of a set of standards regarding the administration of restrictive housing units.

Policy Statement: Correctional facilities sometimes find it necessary to separate offenders and to restrict the contact of offenders with others for reasons of safety and security. To ensure restrictive housing designation are made appropriately and justifiably and offenders placed into such categories are treated justly, humanely, and in a constitutionally correct manner, correctional agencies should establish and maintain policies and procedures that:

- A. Are made only when no alternative disposition would be adequate to control the offender's behavior or sufficient to alter the findings of objective classification review factors;
- B. Give due consideration to the special needs of offenders;
- C. Are utilized only in circumstances where no other available form of housing will accomplish the required levels of safety and stability;
- D. Forbid solitary confinement that results in isolation;
- E. Provide transitional programming for restrictive housing offenders to prepare them for transfer to less restrictive alternative housing in general population when appropriate;
- F. Provide programs that are designed to maximize the potential for successful adjustment to eventual reintegration into the community at large;
- G. Require periodic classification reviews and that such reviews may result in status reduction confirmation of current status or recommendation of additional access to positive program incentives with the restrictive housing environment;
- H. Provide offenders in restrictive housing with appropriate and timely medical and mental health care;
- I. Provide visitation opportunities and the ability to maintain proper levels of person hygiene;
- J. Provide to staff assigned to restrictive housing the specialized training that reflects the challenges associated with this type of assignment;

- K. Prohibit agencies from confining offenders under the age of 18 in extended restrictive housing;
- L. Prohibit agencies from placing offenders in restrictive housing on the basis of gender identity alone;
- M. Prohibit agencies from placing offenders with serious mental illness in extended restrictive housing; and
- N. Prohibit agencies from confining offenders known to be pregnant in extended restrictive housing.

We commend the ACA for this work. Iowa CURE has been working on the reform of restrictive housing for many years. Recently Dr. Greenfield, Mental Health Director of the IDOC has expressed his concern of the use of restrictive housing in our prisons and he is working for reform. These recommendations are very helpful.

IOWANS FEATURED IN ACLU STUDY OF PAROLE EXPERIENCES

The National ACLU has just released the results on a major research project on the experience of prisoners who received life sentences without parole as juveniles. Due to decisions by the US Supreme Court and, in the case of Iowa, the Iowa Supreme Court, these persons are now eligible for parole. Unfortunately, as the report shows their hopes have been dashed due to the reluctance of parole boards to give them "a meaningful opportunity for parole" which they have been promised.

A staff person from the national office of the ACLU came to Iowa and interviewed 9 of Iowa's prisoners who had received a life without parole sentence as juveniles, about their experiences with the Iowa Board of Parole. Several are featured in the report: Christy Lockheart, Sean Romberg, Thomas Bennett and Blair Greiman.

If you are interested in reading the entire report it can be found at www.aclu.org/feature/false-hope-how-parole-systems-fail-youth-serving-extreme/sentences.

The experiences of Iowa prisoners are similar to those across the country. The first response of the parole board staff was to tell the prisoners who were re-sentenced to life with the possibility of parole that there was no such sentence in Iowa. When they learned that this was not a legal response, they began saying that the prisoner's offense was too heinous for them to be considered for parole. They now are given "paper reviews" once a year. This is the process of having all of their records reviewed, they are not present and may not even know that the review is taking place. Usually they are instructed to complete certain programs, get job training, or transfer to a facility with a lower security level. Often they don't know how to get into these programs or there is a long waiting list or they don't know how to get a transfer. A few are selected to get an actual interview and finally a few have actually been moved to work release facilities. The board is now focusing more on what they have done to rehabilitate themselves since entering prison and less on the original crime.

Several of these prisoners are on interstate compact placements, which means they are in a federal prison where they have no access to the programs required. One can certainly understand their utter lack of hope that they can ever fulfill the requirements of the parole board. What does a "meaningful opportunity for parole mean for them????

Joseph Fraioli of the ACLU of Iowa has filed for a judicial review in the case of two of these prisoners, challenging the current Parole Board system. The judge has ruled that this can proceed. The ACLU believes that these prisoners should also be allotted an attorney to assist them through the parole process; receive an independent psychological evaluation, an in-person hearing, the ability to present evidence of rehabilitation, access to treatment and programming during their incarceration and access to information the board is considering during its review. We hope that the procedure will soon become more workable and that the original hope that these folks experienced when the court rulings came down will be restored.

NEWS OF IOWA BOARD OF CORRECTIONS

The Iowa Board of Corrections is composed of up to 7 members. They are appointed by the governor and approved by the senate. There can be no more than 4 members from one political party serving at one time. There are currently 7 members:

4 are republican, 1 is democrat and two claim no party. The current Chairperson is Richard LaMure of Anamosa and the Co-chairperson is Rebecca Williams of Cedar Rapids. Their terms expire on April 30 of 2017, but the governor could re-appoint them to another 4 year term.

Other members of the board are: Mary Chapman of Johnston, John Chalston of Cherokee, Larry Kudej pf Swisher, and Lisa Hill of Johnston, and the Rev. Michael Chapman of Waterloo.

They are charged by Iowa law with adopting and establishing policies, approving the budget before it is sent to the governor, reporting bi-annually information regarding paroles, revocations, releases, and other information and occasionally making recommendations to the general assembly.

The meeting of the Board are public and we would like to encourage CURE member to attend. We can't speak except during the time set aside for "public discussion." This is a fairly new addition to the agenda, added at our request and has proven to be fruitful.

The Chairperson has also mentioned that he feels it is very important that all communications received by the board should be answered. He requests that people who contact them include their names and addresses in order to make that possible. Send correspondence to: Members of the Board of Corrections, 510 East 12th, Des Moines, IA 50319.

Upcoming Board Meetings are as follows:

February 2 at 9:30 at IDOC office, 512 East 12th, Des Moines

March 3 at 9:00, First Judicial District, Women for Change, 1515 Lafayette, Waterloo,
April 7 at 9:00 Mt. Pleasant Correctional Facility, 1200 East Washington, Mt. Pleasant, Iowa,
May 5, 9:00, 3rd Judicial District, 515 Water Street, Sioux City.

If you live in one of these areas, please plan to attend. It is very important that we show our interest and establish communication with the members of the board and the IDOC staff.

THE HISTORY OF COMMUTATION OF SENTENCES

We have had a question regarding the commutation applications. Our source of information is the Iowa State Law Library.

"A prisoner's right to apply for the commutation of his or her sentence traces its origins to Article IV, Section 16, of the 1857 Constitution of Iowa, although the right is also noted in the laws of the Wisconsin Territory) (our Territorial Laws). under which Iowa operated before it was formally a state. This means that throughout the history of Iowa, the governors have always been able to commute prisoners' sentences.

The frequency by which prisoners' sentences should be considered for commutation was never addressed until the 1976 rewrite of Iowa's criminal code, which took effect on January 1, 1978. That new law read, "The board shall interview a class A felon within five years of his or her confinement and regularly thereafter. If, in the opinion of the board, the person should be considered for release on parole, the board shall recommend to the governor that the person's sentence be commuted to a term of years..." A 1995 amendment restricted the frequency of a prisoner' application for commutation to no more than once every ten years. "

This applies to everyone, not just those entering prison after the 1995 amendment was made.

IDOC ADOPTS TRANS POLICIES

According to an article in the DM Register the IDOC is in the process of adopting new gender dysphoria policy that requires prison staff to use the inmate's preferred first name and preferred pronoun. It also requires individual plans for medical care that will address the need for cross-hormonal therapy. The policy calls for considering on a case-by-case basis whether to assign inmates who are gender dysphoric or intersex to a prison designated for females or males. When strip searches are done the person will be asked their preference for gender of staff to conduct the search. The new policy says, "the goal is to ensure appropriate identification and evaluation of inmates diagnosed with gender dysphoria and to ensure appropriate treatment 'in a humane and safe correctional environment that is sensitive to their unique adjustment issues",

IOWA CURE ANNUAL MEETING

The annual meeting of Iowa CURE was called to order at 3:35 p.m. on November 6, 2016 at Trinity/LosAmericus UMC. The agenda was approved, the secretary's report for the August 28th board meeting was approved. The treasurer's report was given by Richard Nordin. Our ending balance is \$3,322.65. The report was accepted. The report of the IA Coalition 4 Juvenile Justice was given by Jean Basinger. She reported that many sentences have when changed from life without parole to life with the possibility of parole.

The report of the nominating committee was given by Carolyn Uhlehake Walker. We have 13 board members. We are required by the by-laws to have no less than 5 and no more than 15. Heidi Hoffbauer's term expires and she doesn't feel she can take another term. Wendy Wittdock expressed interest in serving and was nominated by Anne and this was seconded by Carla. Passed.

The meeting of International CURE will be in Costa Rica in April from the 25 to the 29th. Carla and Jean would like to go to represent Iowa CURE. There was a motion to pay airfare. Made by Anne and seconded by Carla. Passed,

A report of Iowa CURE's activities for 201-2016 was shared and a copy has been sent to the National CURE office. No news about the Recidivism Reduction Initiative. It was suggested that we donation \$100 to cover the cost of using the Trinity mailbox. Richard Nordin will make the payment. Next meeting: January Marty Ryan and Stephanie Fawkes-Lee will be our speakers. Program: Time Diesburg, Program Director for the Iowa DOC Apprenticeship program was our speaker. There are programs in all the prisons and he has room for more participant. He is extremely enthused about these programs.

JUDGE RULES ON PASSPORT RULES OF SEX OFFENDERS

A federal judge has ruled that the rights of registered sex offenders are not violated because of a stamp on their passports that alerts foreign governments of the of the sex offender's past crimes. He said that those bringing the lawsuit had not proved that they were harmed by this practice. This practice is a part of Megan's Law. They believe that in certain situations they could be harmed if they were identified as sex offenders.

ANNUAL JUSTICE REFORM LUNCHEON

The annual Justice Reform luncheon for representatives of the member organizations was held on October 26th. The guest speaker was Attorney Gary Dickey who served as General

Counsel and Policy Adviser for Governor Vilsack and Lt. Governor Peterson during their administration. He is now a partner in the law firm Campbell and Dickey. They offer a range of legal services including fighting for the rights of prisoners in Iowa and in federal prisons. He did much of the work in preparing for the Executive Order restoring the voting rights of felons under Governor Vilsack and he argued for voting rights for most felons on behalf of the County Auditor Fitzgerald and continues to work with the Iowa ACLU on this issue.

Deb Theeler, a former prisoner at ICIW was one of two persons presented with our annual Justice Reform Award. She was one of the initial participants in the STAR treatment program and went on to develop after care programs called "Winners' Circles in Des Moines and in other parts of the state. She has aided countless women in recovery. She also operates five Freedom Houses for men and women who need a place to live when they are not yet ready to live on their own. She is employed as a substance abuse nurse at Prelude. Our Second honoree was Attorney Gordie Allen who has been working tirelessly to help prisoners who received life without parole as juveniles to be re-sentenced. He has brought pressure on the Iowa Board of Parole to give these persons a "meaningful opportunity for parole" has directed by the Iowa Supreme Court and the US Supreme Court. For many years Gordie was an Assistant Attorney General and since retirement he has been teaching law at Drake University Law School.

Marty Ryan gave us an overview of our legislative agenda for the coming year. Members enjoyed the opportunity to network around shared justice concerns.

THINGS YOU SHOULD KNOW ABOUT CURE

Iowa CURE is a 501(c)3 organization and your gifts are tax deductible. When you send in your membership to Iowa CURE we will send your name to the National organization and you will receive their newsletter.

We are not qualified to send or receive "Legal Mail."

We do not offer services such as legal services and re-entry services.

We are not setup to accept phone calls from jails and prisons. We can accept calls from family members and friends. Please send us your concerns in writing.

We will respond if at all possible. Do not send us copies of letters that are part of a mass mailing.

Do not send us copies of your legal papers or your only copies of court documents or disciplinary reports as we cannot send them back.

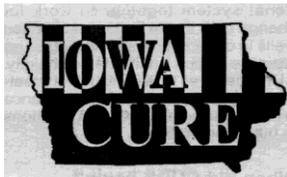
We cannot represent you in challenging your disciplinary reports.

Please file grievances and, if not, successful, file a report with the Ombudsman's Office.

CONTACT INFORMATION

<p>IOWA CURE Jean Basinger, Chair/Newletter Editor P. O. Box 41005 Des Moines, IA 50311 Phone: 515-277-6296 jabwab@msn.com; www.iowacure.org Board Members: Anne Bickell, Peggy Aguilar, Eddie Bloomer, Jackie Robinson, Carla Dawson, Diane Crane, Carolyn Uhlehake, Brian Carter, Mary Kay Dial, Richard Nordin, Larry Smith, Sr. Joanne Talarico, Wendy Wittrock, Sue Hutchins</p>	<p>Voices To Be Heard / Des Moines CURE Support group for persons who have a love one in prison, parole or probation and those concerned about people in the criminal justice system. Meets the 1st and 3rd Tues – Wesley UMC. Support group for adults and special program for children from 6 to 7:30 p.m. Contacts: Jean Basinger 515-277-6296 or jeanbasinger@gmail.com, Melissa Nelson 515-280-9027 Cedar Rapids CURE - Sue Hutchins voices.heard@yahoo.com</p>
<p>IA-NE NAACP Betty Andrews, President, 1620 Pleasant St., Ste. 210 Des Moines, IA 50314</p>	<p>Life Long CURE Willis Harris 665 Willis St, Ste. B-1 Detroit, MI 48201, phone: 313-442-3929 Self-stamped, self-addressed envelope for brochure everyonesmom4@comcast.net</p>
<p>Federal CURE P. O. Box 15667 Plantation, FL 33318-5657 FedCure@FedCURE.org</p>	<p>CURE International Charlie and Pauline Sullivan P. O. Box 2310 Washington, D. C. 20013 cure@curenational.org</p>
<p>CURE for Vets 535 Queen St Philadelphia, PA 19147 Jcautilli2003@yahoo.com www.vets-cure.com</p>	<p>Iowa Coalition 4 Juvenile Justice (now a focus group for Iowa CURE) Website: ia4juvenilejustice.org Sr. JoAnn Talarico, Facilitator P. O. Box 41005 Des Moines, IA 50311</p>
<p>Friends of Iowa Women Prisoners Website: friendsofiowawomenprisoners.org Facilitator: Vi Darsee vddarsee@q.com Phone: 515-225-8349 Meets 3rd Tues of each month at noon at Wesley UMC 800 E. 12th St, Des Moines, IA www.iowacure.org</p>	<p>Justice Reform Consortium Marty Ryan and Stephanie Fawkes-Lee, Legislative Advocates mrtyrn@gmail.com Legislative update sent out every 2 weeks during session Contact Marty to receive it. Phone: 515-681-8076</p>
<p>Health Care for Re-Entry Veterans Program Brian Brooks: VA Medical Center, 3600 30th St, Des Moines, IA 50310, 515-577-8068 Brian.brooks@va.com; website: i.va.gov/homelesspage.cfm?pg_38. Eligible: Those who are currently incarcerated by the DOC-Fort Des Moines and prisons (not in jail or released from prison)</p>	<p>CURE Sort – Sex Offenders Restored Through Treatment P. O. Box 761 Milwaukee, WI 53201-0761 wbowers8@cox.net</p>
<p>Help for Veterans Will visit incarcerated veterans in need in central Iowa Jennifer Miner, 515-577-8892 or 699-5999 ext. 4875 Jennifer.miner@va.gov Covers eastern Iowa: Sherri Koob, Veterans Justice Outreach, cell: 563-320-9887; sherri.koob@va.gov</p>	<p>A note about Iowa CURE: We are an organization with members in and out of the prison system. We cannot offer legal services or accept phone calls from prisoners. Letters will be answered to the best of our ability. Do not send us your legal documents. In joining CURE, you are NOT entering into a contract for services</p>

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



MEMBERSHIP INFORMATION
2017 DUES NOTICE

Please remember to pay your 2017 Iowa CURE dues

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

Name _____

Address _____

City _____ State _____ Zip _____

Email _____

Annual Membership Fees

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

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

Please remove me from this mailing list

Why should I join CURE?

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