

Iowa Citizens United for the Rehabilitation of Errants

Spring 2024

From Your President

Happy Spring Members! I hope that everyone is finding this much needed rain beneficial for the drought that is going on here in Iowa. Hopefully the crops this year will be plentiful. Iowa Cure has been busy the past several months with legislation review, membership meetings, and contacting our representatives about this years proposed legislation. We have legislative recap in this newsletter for your review.

Some members are probably curious why they did not get a newsletter this past fall. We experienced a mailing issue that impacted 15-20 incarcerated individuals at various facilities. We received returned mailings from the postal office indicating that the mailing label was erased off. We do not know who was impacted by this incident. If you feel that you were impacted, please let us know and we will mail you a new newsletter. We are looking into alternative printing to try to have this not happen again.

I would also like to take a moment to talk about Iowa CUREs annual expenses. Our organization is an all-volunteer organization. No one is paid for the services they offer. Our budget is contingent on the membership dues we receive. Our expenses include website and domain cost, zoom annual fees, and mailings to incarcerated individuals twice a year. In order to save on expenses, we email our members a copy of the newsletter. We have to physically mail incarcerated individual's newsletters as we cannot send to them via email. The incarcerated individual's newsletter looks very different from the general membership letter. This is because we are limited to four sheets, one sided, with no graphics. If we mail the general membership to incarcerated individuals the cost is much higher and there is no guarantee the newsletter will be approved.

The next meeting we will notify members in advance of the date and who the guest speaker is. I look forward to seeing everyone this year.

Wendy Wittrock – President of Iowa CURE





IOWA CURE

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Help us connect

Connect us with your loved ones! We can advocate best when we can link our incarcerated members with their friends and loved ones. If you are a community member, please share the name, ID number, and the location of your loved ones in prison. We will see that they are on our mailing list. If you are incarcerated, please ask your outside contacts to connect with us at iowacure@gmail.com.

Online family support group

Our online family support group, facilitated by Sue Hutchins, meets several times a month, sometimes on Saturday morning, and sometimes on Tuesday evenings. In these informal conversations, we connect families and friends with loved ones in prison, for encouragement, support, and practical action. You can connect on Zoom or by telephone. If you are interested in being part, or know someone else who might be, let us know at iowacure@gmail.com. We will send a schedule and logon information.

Iowa Cure is 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 your legal documents. By joining CURE you are NOT entering into a contract for services.

Membership Information

Please remember to pay your 2023 Iowa CURE dues. Please fill out the information form below and mail it with your membership fee to: Iowa CURE, P.O. Box 41005, Des Moines, IA 50311
You can also remit payment on our website at www.iowacure.com. Prisoners: \$2, Individual: \$10, Family: \$20 Sustaining: \$50 Life: \$100

Name/Organization _____

Address _____ City _____ State _____ Zip _____
Code _____

Email _____ Phone _____

Why should I join CURE? Being a CURE member gives you access to experiences staff, reputable research, political action, community organization, leadership and strategy development as well as informative fact sheets, action alerts, legislative and issue updates. Please feel free to pass this newsletter to interested friends, family, associates, and loved ones in prison.

Hopeful trends starting in Missouri - *Long term incarcerated men live "like freedom"*

The Dynamo Program at the North East Correction Center (NECC) in Missouri, is an innovative approach to prison rehabilitation. In this program 14 men who have been incarcerated for decades have come together to form their own community within the prison walls. These individuals live independently in an unstaffed housing unit, make their own schedules, maintain their own living space, come and go with their own gate keys, and enjoy a quiet existence they say is "like freedom." Here are some key points about the program:

- *Self Governance:* Participants in the Dynamo program have a degree of autonomy. They run their own corner of the prison, living independently, and managing their daily affairs.
- *Inspired by Norway:* The Dynamo program mirrors elements of Norway's prison model, which focuses on rehabilitation, reintegration, and reduce recidivism. This approach emphasizes treating inmates with dignity and providing opportunities for personal growth and transformation.
- *Transformative Environment:* The Dynamo program aims to create a peaceful and tranquil atmosphere. For instance, offenders with good behavior live independently, and there's even a space with fish swimming around, contributing to a sense of calmness.

In Summary, the Dynamo program represents a shift toward rehabilitation and personal development within the prison systems, offering hope and chance for positive change to those who have spent years behind bars. Designed under the guiding principle that responsibility breeds accountability, the Algoa Correctional Center Honor Dorm, which opened in April 2022, features a day room and recreation spaces, study rooms and a library, resident-led conflict resolution, and a spot at the front of the line for meals and premium jobs. Both facilities have seen a significant drop in conduct violations and a facility-wide boost in morale. Results were presented to other departments of corrections at regional and national conferences in 2023.



Day of Empathy

The National Day of Empathy is a day set aside for people who are invested in the inmate population and their supporters. Iowa held our Day on February 28 at the Capitol in Des Moines from 8:30 - noon and then held panels at DMACC from 1- 5 pm. Our focus was on speaking to



about the need for more Re-entry programming, raising the age for LWOP to 21, Commutations and virtual life sentences. The afternoon panels focused on Re-entry job opportunities, family stressor and needs and Death by incarceration in Iowa. Speakers included retired citizens, family members, activists well versed in LWOP and the death penalty, lawyers, a representative from the Sentencing Project out of Washington DC and the Co-chair of Dream.Org. It was a productive and encouraging day.

Life With Out Parole LWOP

All Class A Felonies require a sentence of LWOP in Iowa. Life means natural life. Commutation means the felons sentence of LWOP is commuted to a number of years with the possibility of parole. Iowa Code, Section 902.2 provides the Iowa Governor with the power to grant commutations. The process involves the felon applying and sitting for an interview with 5 members of the Iowa Board of Parole, owning her/his criminal behavior, collecting letters of recommendation, providing proof of rehabilitation and answering numerous questions about how s/he has changed during incarceration. A felon must receive all 5 yes votes from the Board to have a sentence commuted.

- First-degree murder kidnapping and sexual abuse resulting in serious injury are class A felonies. Accomplices to first degree murder is also a Class A Felony.
- There are 790+ people (Class A felons) serving LWOP in Iowa; 45+ females and 745+ males
- Lifers who have served 30 years or more--- 315+ males and 18+ females) 195 granted commutation between 1945 and 1983
- Only 10 commutations in the last 37 years
 - Governor Terry Branstad granted 1
 - Governor Kim Reynolds 0
 - The Iowa Board of Parole recommended 4 people, Otis Jenkins, Clyde Johnson, Gary Bear, Denise Rhodes and Governor Reynolds DENIED all 4.

Pigeonly mail “service”

Mail sent to people in Iowa’s prisons still goes at a snail’s pace. The contract between Iowa Department of Corrections and Pigeonly is reviewed annually in February, with small changes possible. Last February, the renewal included raising the rate Pigeonly received per mail piece to \$1.25. Citizens can view the contract. We need people with knowledge of government contracts to help us better understand the contract, so we can advocate for better mail service. Let us know if you or someone you know can help in this—write to iowacure@gmail.com



Raise the Age of Juveniles Sentenced to Life With Out Parole

Since the Iowa Supreme Court ruled in 2016 that juveniles 18 and under could not constitutionally be sentenced to LWOP 43+ juvenile lifers have been released in Iowa. None have been returned to prison for committing a crime. The national statistics show that less than 1% in all the states have reoffended. Dr. Lawrence Steinberg was the first neuroscientist to study and publish his work regarding brain development and maturity. Others have followed. We are asking Iowa to pass legislation raising the age to 21 and under based on the understanding of brain development and maturity. Understanding the Adolescent Brain and Legal Culpability (americanbar.org). Other states have set the precedence for raising the age. The Massachusetts Supreme Court has ruled is not constitutional to sentence a person under 21 to LWOP Massachusetts Supreme Court Takes an Important Step in the Battle to End Life Without Parole. This legislation also applies to “emerging adults,” through age 20. The ruling stems from the case of Sheldon Mattis who participated in a crime at age 18 during which his 17-year-old co-defendant killed someone. The co-defendant's youth qualified him for parole review after 15 years, but Mattis received a mandatory life without parole sentence because he was 18 years old. - Legal Analysis and Commentary from Justia and The Sentencing Project

The Voice of Our Members

At Newton Correctional Facility, there are an estimated 100 - 200 incarcerated-people who have done everything necessary to go before the parole board, and be considered for release. These people have served their minimum (and beyond) time, they have paid their restitution, they have completed the treatment program, and they are otherwise ready for release.

The Multidisciplinary Team (MDT), appointed by the DOC, has been systematically forwarding an estimated 80% of these cases to the Attorney General's office for "further review" and possible prosecution for civil commitment.

The wait-time to be reviewed by the Attorney General is YEARS. One man's wait is 7 years, another man's wait is 13 years. This is because the AG is using people's TDD date, and not reviewing people until 90 days prior to discharge. In short, the AG is enforcing a minimum-maximum which forces people to remain incarcerated and do all of their time even when they were sentenced to doing 70% or 80% of their time. Among other things, this is an effort to "keep beds full". A consequence is that it is over-crowding Iowan prisons. If the guys at Newton Correctional do not get released in a timely fashion, other incarcerated-individuals, at other Iowan prisons, cannot come to Newton to do the treatment that they need to do in order to be eligible for release. So, the MDT referrals to the AG not only cause overcrowding, they also make it impossible for incarcerated-people in the rest of the state to get to Newton to do the treatment that needs to be done.

What can you do? Call the governor's office at 515-281-5211 and express your concern that the MDT (a team appointed by the DOC) is causing Iowan prison to be over-crowded, and the MDT is referring far too many cases (about 80%) to the AG's office. We want our tax dollars to be spent on education and rehabilitation in the prisons, not punishment!

Who said - "Don't compromise yourself - you're all you have."
Answer on page 10



Oklahoma Survivor Justice Act – This legislation would allow sentencing courts to resentence survivors of domestic violence who victimization was a significant factor in their underlying offense.

The Oklahoma Survivors act would also give courts the ability to impose lower sentences on survivors of domestic violence in the future. The Act passed the house floor 84 yes, 3 no. The bill includes LWOP, first and second degree. It has been an incredible campaign, and I thank you all for hanging in there with me. It now moves on to the Governor, who has agreed to sign.



Iowa Legislative Session 2024

SF 2170/ HF 2460 - ELGIBILITY FOR PAROLE OR WORK RELEASE—HUMAN TRAFFICKING. A person convicted of human trafficking would be denied parole until they have served between 50 and 70% of the maximum term of their sentence. The sentencing judge would determine when the offender’s eligibility for parole or work release would begin. **PASSED HOUSE AND SENATE**

HF 2274 - COLA INCREASES FOR INMATE WORK. Once every two years the DOC Director would be required to consider implementing cost-of-living increases for inmates involved in offender work programs. **DID NOT PASS HOUSE OR SENATE**

HF 2236 - MEDICAID WAIVER—CONTINUITY OF COVERAGE AND SERVICES FOR SOME NEWLY RELEASED INMATES. This bill would require the Dept. of Health and Human Services to submit a request for a Medicaid reentry waiver in order to avoid a gap in care for inmates who are about to be released and are otherwise eligible for Medicaid coverage and services. **HEALTH AND HUMAN SERVICES COMMITTEE IN THE HOUSE APPROVED. NOT TAKEN TO HOUSE FLOOR. NOT CONSIDERED BY SENATE.**

SF2263 - PRIVACY AND SAFETY OF INMATES. Restrooms, changing rooms, and sleeping quarters that are designated for use by incarcerated individuals and which are accessible to multiple individuals at the same time would have to be designated “for use only by members of one sex”. This bill defines “sex” as “an individual’s biological sex, either male or female, as observed or clinically verified at birth” This bill would create a private cause of action against a correctional facility for any inmate who encounters an individual of “the opposite sex” in a restroom or changing room or who has to share sleeping quarters with them. **ASSIGNED TO COMMITTEE, FISCAL NOTE CALLED FOR, DID NOT PASS EITHER HOUSE.**

HF 2389 - DEFINING "SEX" AS A PERSONS BIOLOGICAL SEX AT BIRTH AND SETTING FORTH DEFENSES FOR LAWS, POLICIES, AND PROGRAMS THAT REQUIRE SEPARATE ACCOMMODATIONS BASED ON SEX. As currently written, this bill would not require that any particular facilities or accommodations be segregated based on a person's biological sex at birth. It does, however, pave the way for future laws to do so by setting forth various legal justifications and defenses for the State. This bill includes a list of the types of facilities that the State might have an interest in segregating based upon a person's biological sex at birth, and prisons and other detention facilities are included on the list. **APPROVED BY EDUCATION COM. AND THE HOUSE. NOT CONSIDERED BY SENATE.**

SF 2164, HF 2191, HF 2248, HF 2191 WAS ON debate calendar in house Sf 2164 unfinished business. EARNED TIME Under this bill earned time would no longer apply to reduce an inmate's mandatory minimum sentence in these situations:

Iowa Code Section 902.7 (forcible felony while possessing a dangerous weapon, Iowa Code Section 902.8 (habitual offender), Iowa Code Section 902.11 (eligibility of prior forcible felon for parole or work release) **BILL PASSED HOUSE AND SENATE. SIGNED BY GOVERNOR ON APRIL 19, 2024**

HF 2302, SF 2279, HF 2302 - Inmate assaults on jailers and correctional staff. This bill increases the criminal penalties for assaults against people engaged in certain occupations, including inmate assaults on jailers and correctional staff. It also adds saliva to the list of bodily fluids and secretions included in the assault statute. **INCLUDES PERSONS IN JUVENILE DETENTION, INCREASES PENALTIES FOR ASSAULTS AGAINST FIRE FIGHTERS AND SPORTS OFFICIALS. PASSED HOUSE, DID NOT PASS SENATE.**

SF 2342 - Parole and probation standards for persons convicted of certain child endangerment offenses. Persons convicted of certain child endangerment offenses who are on probation, parole, or work release would not be permitted to have unsupervised access to a child or minor. **COMMITTEE APPROVED, FISCAL NOTE PUBLISHED, HOUSE NOR SENATE CONSIDERED THIS BILL**

HF 349 - PROBATION REFORM BILL. This bill would provide Education Credits, Workforce Credits, and Discharge Credits to reduce up to 40% of a person's period of probation. **PASSED BY HOUSE, FISCAL NOTE PUBLISHED, AMENDED BY SENATE. LEFT AS UNFINISHED BUSINESS.**

Prohibiting employers or employment agencies from seeking an applicant's criminal record or criminal history. A potential employer could not inquire about or require disclosure of a job applicant's criminal record of criminal history until an interview is conducted or, if an interview will not be conducted, until after a conditional offer of employment is made. This bill contains exceptions for certain jobs (e.g. a position in which an employee would have to be bonded, a job within an employer's personal residence, and positions that would give an employee entry access to multiple housing units such as apartments.) **DID NOT CLEAR FIRST FUNNEL. NO ACTION TAKEN.**

SSB 1144 - Did not clear first funnel - Proposed Amendment to the Iowa Constitution (slavery-involuntary servitude). This joint resolution proposes an amendment to the Iowa constitution to eliminate involuntary **servitude** as a legal punishment for a crime. **PASSED SUB-COMMITTEE. DID NOT PASS JUDICIAL COM. DID NOT CLEAR FIRST FUNNEL. NO OTHER ACTION TAKEN.**

SF 2068, HF 2216, SF 64 - DOC employees. Non supervisory employees with ongoing direct contact with inmates would be designated as public safety employees for the purpose of collective bargaining. The state would pay the full cost of health insurance for the spouse and children of an employee whose death was the direct and proximate result of a traumatic personal injury incurred in the line of duty. The DOC could not provide a private contract employee pay or benefits in excess of the pay and benefits provided to a state employee performing similar work. The DOC Director would be required to:

- **-Establish a training program for employees with ongoing direct contact with inmates in self-defense and other de-escalation techniques.**
- **-Establish uniform safety practices to be implemented at all correctional institutions.**
- **-Adopt rules to allow an employee of the department who has witnessed a trauma even to take between 5 and 30 days of paid leave depending upon the severity of the trauma event and to allow an employee who has been held hostage up to 90 days of paid leave.**
- **-Establish protocols for allowing employees who have ongoing direct contact with inmates access to certain specified confidential information for the purpose of administrating the Dept's program of services or assistance to inmates. NO ACTION WAS TAKEN. BILL DIED.**

SF2377, HF 2250 - GOVERNOR'S bill for organization, structure and functions of state and local governments. According to the legislative explanation, this bill makes Code changes to reflect DOC's responsibility for, and authority over, community-based corrections facilities and judicial

district departments of correctional facilities. This bill cuts funding for Human Rights at the same time that it puts more responsibilities for Human Rights, e.g. dissolving Disability Action committee and adding it to the Human Rights commission. **PASSED HOUSE FEB. 27, PASSED SENATE MARCH 26, SENT TO GOVERNOR—AWAITS HER SIGNATURE.**

HF 2112 - A BILL making it illegal to “smuggle” undocumented persons by transporting concealing, harboring, shielding from detection. Those found guilty of these actions will be charged with a felony plus possible human trafficking charges.

PASSED HOUSE, AMENDED BY SENATE JUDICIAR, NO ACTION IN SENATE

Change in Pell Grants regulations. - Restored access to Pell Grants for incarcerated students. For the first time in nearly 30 years people in prison are able to apply for financial aid that can help put life-changing opportunities within reach. College in prison has the potential to improve conditions behind bars, disrupt mass incarceration, and transform families and communities. (Vera Institute of Justice—212-334-1300)

THE DEATH PENALTY BILL Is not considered. - **BOTH POTENTIAL DEATH PENALTY BILLS DIED IN COMMITTEE.**

President Biden wants to crack down on JUNK FEES.- **Incarcerated people and their families are subject to some of the exploitative and predatory fees, and they have no recourse. . We cannot have a serious conversation about junk fees without looking at our predatory**

Criminal justice system. (Gina Hausknecht at ghauskne@coe.edu)

Answer – Michael Grisham