



## IOWA CITIZENS UNITED FOR THE REHABILITATION OF ERRANTS

*An Effort to Reduce Crime Through Criminal Justice Reform - 2012*

Pris

### THE FEAR FACTOR

Mary Devoy, Exec. Director of the Reform Sex Offender Laws of Virginia says she might as well be defending Osama bin Laden. She wants to assure the public that she is not a monster, she does not like the idea of dangerous rapists or child molesters roaming the halls of schools. She is simply working for fairness in the laws regarding sex offenders. This is a tough job. There seems to be nothing that strikes fear in the hearts of the public then learning that someone is a sex offender. We tend to assume that anyone accused of a sexual abuse is a child molester and that no punishment is quite adequate to punish them. We also assume that if they have been accused of such a crime they must be guilty, and it is highly likely that they will offend again.

We are not suggesting that sex crimes are not extremely heinous and that they should not be punished. We do feel that people should take time to learn the facts about sex crimes and make sure that punishment is just. One group of sex offenders serving time is those who have been involved in what we call a "Romeo and Juliet" relationship where an underage girl and a young man are sexually active. The young man may be charged and serve time in prison and be required to register on the sex offender registry for a number of years. In some cases these young people marry and have children together. In some cases the parents of the girl may be against the relationship and turn the young man into the police. This should be an especially important issue to those of us who have sons and grandsons who might become involved in a relationship with a minor.

We have spent a tremendous amount of money due to the requirement that many sex offenders must wear ankle bracelets. These bracelets give us a false sense of security. They often malfunction and, just because a person is wearing an ankle bracelet, doesn't assure that he/she is not offending. Marty Ryan, legislative advocate for the Justice Reform Consortium, often uses the example of a grandfather or uncle who is in his home as required, but may be sitting naked on his couch wearing nothing, but the bracelet with his grandchildren in the room. Due to fear we have put severe restrictions on where sex offenders can live and where they can go. These restrictions often make it almost impossible for them to find employment and housing. When legislation is passed and programs are put in place to help prisoners with reentry, a note is often added saying that sex offenders are not eligible for this opportunities.

We believe that treatment is effective for many offenders. We also believe that should come early in a prisoner's time in

on so they can stop unhealthy behaviors and ways of thinking and have experience with a healthy lifestyle. Currently offenders usually have to wait until they are one year or six months away from discharge. At that point they are concerned about reentry into society and often can't give their full attention to the treatment process. A friend of mine was in prison for 28 years before he was able to get into sex offender treatment. He said that it was during treatment that he was finally able to feel empathy for his victim and take responsibility for the harm and suffering he had caused her. He also was finally able to deal with the reality of the sexual abuse he had experienced as a child and to stop using this as an excuse for his own sexual offense. He lamented the many years wasted in unhealthy thinking. He became a mentor for others going through treatment and helped many other men. Regarding recidivism rates for sex offenders, Paul Heroux of the Huffington Press says that, "Contrary to popular belief, as a group, sex offenders have the lowest rate of recidivism of all crime categories. These statistics completely fly in the face of conventional wisdom about sex offenders being the most likely group of criminals to re-offend for their initial crimes. This is in spite of the fact that this type of offender faces an extremely difficult time finding housing and employment. I received a call from a concerned person who was aware of a young woman who was being released from the Iowa Women's Correctional Facility and was having a very difficult time finding housing. She had been told that the only housing available for a sex offender such as herself, in the area to which she was being paroled, was in an old motel where 15 male sex offenders who had been released from prison were living.

We know that sex offenders who are thought to be among those with a high possibility of reoffending, are often referred to the courts for civil commitment after they have completed their sentence. If they are committed, they are turned over to the DHS and sent to the Safe Keepers Unit at Cherokee Mental Health Institution. In the not too distant past these prisoners were held at the Newton Correctional Facility while awaiting the court to rule on their commitment. The ACLU of Iowa learned that they were being held in highly inhumane conditions and represented them in court. They were then transferred to a house which was especially designed to house them while they waited.

Recently the issue of the aging sex offender and whether or not they should be sent to nursing homes has arisen. E-Advocate, an excellent resource for issues related to sex offenders, states that we need to look at this issue as an issue of aging persons, rather than a sex offender issue. Today, nursing homes provide care for people who need it temporarily and also those who have reached an age when they can no

longer care for themselves. We have to keep in mind that sex offenders do get old, but trying to keep them out of nursing homes because they might reoffend is almost ludicrous. Actually, elderly sex offenders are at low risk to reoffend. Alzheimer's, dementia and some medications used to treat these diseases tend to have sexual side effects in persons who had never acted out in sexually inappropriate ways.. There is no perfect solution, and we need to craft a response with great care.

It is not unreasonable to feel fear of person who have committed crimes of a serious nature, but this fear should not motivate us to deny them justice. The sex offender registry ankle bracelets should be reserved for those sex offenders who are truly a danger to society. The money we would save could be used for programs to assist victims of crime that are so badly needed and so underfunded.

NOTE: National CURE is now publishing a Civil Commitment Newsletter. If you know of someone who would be interested in receiving this newsletter, please ask them to send their name and address to: Civil Commitment Newsletter, c/o National CURE, P.O. Box 2310, Washington, DC 20013-2310

## **HONORING OUR CHAMPIONS**

The annual meeting of the member organizations of the Justice Reform Consortium was held in October. The first item on the agenda honoring two champions of justice in the state of Iowa: Art Neu of Carroll and Johnie Hammond of Ames. Art was Lt. Governor under former Governor Bob Ray. He has served on the boards of Iowa Public Radio/TV, Iowa Legal Aid, and the Board of Regents. He also served on the Board of Corrections for over a decade. He was disappointed when Governor Branstad did not reappoint him for another term. Several years ago he was able to get a recommendation passed by the Board to allow lifers to apply for commutation every 5 years, rather than every 10. Unfortunately it was not considered by the legislature.

He has a strong commitment to work for the rights of low income folks, the elderly, those living with disabilities, those in institutions, and abused women and children. Art does more than simply sit on board. He answers the letters and e-mails that are sent to him asking for help. His wife says that some people even come to their home asking for help.

Johnie Hammond served in the Iowa Legislature for many years, and has been deeply involved in developing programs for the mentally ill and for abused women and children in her home community of Ames. In addition she has served several terms on the Board of Corrections. She has worked for many years to try to get reasonable rates for inmate phone calls and free calls for children who have a parent in prison. She has also worked to eliminate the sentence of life without parole for children under 18.

In honor of their commitment to restorative justice in the state of Iowa they were each presented with a plaque with "Hope" inscribed on it, and a framed count cross stitch of the scales of

justice (crafted by Christy Lockheart, ICIW) especially for this purpose. Johnie also received a necklace with a telephone charm attached. Their spouses also attended the meeting.

## **NEW BOOK FOR CHILDREN WITH INCARCERATED LOVED ONES "WHAT DID I DO?" by Joy DeSomber**

When my children's father was arrested on Father's Day, 2006, we had nowhere to turn, to better understand my children's new and complicated emotions. I searched for local support groups and literature written specifically through the eyes of a child who had been through this. Unable to find any such books, we created that book.

Children with a parent behind bars suffer from a myriad of social, psychological and physical problems, as well as oftentimes being faced with additional obstacles such as poverty and social stigma. Our book is designed to be therapy in their hands, something comforting they can hold onto and read in the privacy of their bedrooms. Here they will read about other children who have been through similar situations, and how those children got through difficult, usually overwhelming emotional hurdles.

Our book *What Did I Do? Stories from the Hearts of Children Whose Parents are Incarcerated*, will help these children feel like they are not alone and it can give them hope that they, too, can overcome the struggles of having a parent behind bars. The chapters include themes on how a child dealt with the arrest, visitation at the prison, and when the child's parent returned home, among others. Furthermore, there is a list of resources in the back of the book, where children can turn for help. We partnered with Voices to be Heard for our first edition, which is available at their biweekly Tuesday night meeting or through our website, [www.whatdididobook.com](http://www.whatdididobook.com).

Our ultimate goal is to get this book into the hands of as many children as possible across the country, free of charge. We gathered our stories through various writing workshops, as well as one-on-one meetings with the children. We are currently partnering with nonprofit groups and churches throughout Iowa, to gather stories for our second edition, which will incorporate stories from children across Iowa. These children have, or have had, a parent behind bars.

We have started a non-profit: Empowering Children of Incarcerated Parents whose goal is to help children express their feelings, organize social gatherings of children who have a parent in prison and connect children with resources, local and national, who can help them deal with the unique situation of having a parent behind bars.

The cycle of incarceration, the way in which society turns its back on these children, and the helplessness and hopelessness they often feel, is in our hands.

My three media appearances last fall, the Joy Behar Show, Who The Bleep Did I Marry? and Anderson (the new daytime Anderson Cooper show), were mainly about our particular

situation, and only briefly mentioned the books, unfortunately. If you want to include the national Prisoner's Family Conference where I spoke last month, that was in New Mexico, and was a wonderful opportunity for us to meet with a number of individuals across the country who work with children of incarcerated parents in a variety of ways, and they are eager to get local books in their cities, as well. Joy DeSomber

### **UPDATE ON LIFE WITHOUT PAROLE FOR CHILDREN by Sister JoAnne Talarico, facilitator of the Iowa Coalition for Juvenile Justice**

The U.S. Supreme Court In May, 2010, ruled in Graham vs Florida that sentencing youth under the age of 18 to life without parole for non-homicide crimes was contrary to the 8th Amendment of the Constitution, i.e. cruel and unusual punishment. Unfortunately, the judges left the solution of sentencing to each individual state. Since that time, the 44 states that permit juvenile life without parole have struggled to establish a suitable time of incarceration for these offenders. Only recently did the Florida House decide that 25 years was a just punishment. The Senate has the last three days of the session to work on this bill. If the bill becomes law, Mr. Graham will be re-sentenced and be incarcerated until he is 42 years old.

In Iowa through an omnibus bill created at the end of the long 2011 session, legislators also decided that 25 years was a just sentence for juveniles who commit non-homicide crimes formerly punished by life in prison. Currently, there are seven offenders in our prison system who would qualify for the lesser sentence under Graham. Of the four who have no other charge, one has served 30 years and another 28 years. The other two have served less than 10 years. The remaining three are also serving sentences for 2nd degree murder. Attorneys are currently working on the cases of the two who should be eligible for parole.

Once again on March 20, 2012, the U.S. Supreme Court will hear the cases of Miller v Alabama and Jackson v Hobbs (Arkansas) . Both offenders in these cases were 14 years old at the time of their crimes and one was accused of felony murder where he was with someone who actually did the killing. Based on the decision from Graham that children are different than adults in that they can be rehabilitated, Bryan Stevenson from the Equal Justice Initiative will argue for the elimination of life without parole for juveniles. The outcome of this hearing will certainly change the sentencing of youth in the USA, the only country in the world with life sentences for youth under the age of 18.

### **Posted on the [Association of Reentry Professionals](#) LinkedIn - The Steel Ceiling by Bonnie Kern (reprinted with author's permission)**

I received my undergraduate degree in sociology from Drake University on Mother's Day 2000 and my Master of Science in Education, Certified Vocational Rehabilitation Counseling

degree from Drake University on May 16, 2009. Forty years almost to the day of being released from prison on May 22, 1969. I was the first woman allowed to participate in Iowa's work-release program in the 1960s, obtained my restoration of citizenship in 1974 and an executive pardon in 1982.

I believe that I have been afforded opportunities that others are denied. Responsibility comes with those liberties. Authority, in many facets, may be claimed about the criminal justice system. I claim authority about The Steel Ceiling perspective both as an inmate and as an academic.

There are at least two perspectives of the criminal justice and recidivism arenas. I call the barrier between these two perspectives The Steel Ceiling. One perspective is from above The Steel Ceiling. There are a lot of very good and well-intentioned people trying to keep our communities, jails, prisons, staff and clients safe on a limited amount of tax payer's money. There is a lot of research about what theories and programs work to reduce recidivism and re-offending, and which ones do not. Many of these research programs are quantitative in nature so the programs that work will continue to be funded.

The other perspective is from below The Steel Ceiling. It is difficult for most people above The Steel Ceiling to imagine why any so-called sane person would put themselves at risk of being incarcerated, not to mention why they might want to go back to prison because they feel safer there than living on the 'outside'.

Since I have been in reentry for over forty two years and now have a graduate degree, may I give voice to some of the difficulties you may be having in your efforts to reduce recidivism?

First and foremost, please recognize that forcing assimilation into the prison culture does not equate to teaching life skills that will be necessary for success on the 'outside'. I was at a national training a few months ago with DOC staff that kept making remarks similar to "If they can't make it in here, they sure aren't going to make it on the outside". After a couple of days, I finally responded, "I was not only the first woman allowed to participate in the Iowa work release program, but I was pulled twice and once was for escape. I didn't do well 'in there', but I have been very successful out here for over forty years."

Teaching clients to suppress the rage of powerlessness so they can do well on the 'inside' only sends very angry people back to the community. It would be a better idea to provide the decompression treatment that other hostages receive – cavity checks, no matter why they are done, is a form of rape.

Second, as you do your needs and skills sets assessments, please note that many of your clients are from dysfunctional families and sending them back to the same environment will be anti-productive. All family systems strive for homeostasis so no one else in that system has to change. Your client must be provided time away from their family and friends to work on

themselves and learn boundaries to cope with the negative family and friend's sabotage.

Additionally, the client has to be included in all decisions so that they do not sabotage something else 'the system' is doing to them. Please read: pp 1, 3-5 at <http://www.awec.us/wp-content/uploads/2010/06/March09newsletter.pdf>

## **Project Iowa - Creating Career Opportunities for Iowans**

Project Iowa, a workforce development program created by AMOS (A Mid-Iowa Organizing Strategy) is probably one of the most exciting developments in the area of job creation for people who need help finding a new opportunity for new career track, living wage job that has come along in recent years. Project Iowa provides the possibility of jobs in a variety of areas. They provide intensive training to equip participants with the skills and other qualifications required. Central Iowa employees have committed jobs to the project in the following areas: welders, certified medical assistants, machinists, lab and surgical techs and tool and die makers.

The employers that are currently on board are as follows: Mercy Medical Center, Vermeer Corporation, Karls Chevrolet, Ziegler Cat Accumold, John Deere, Mechanical Comfort, and more. Orientation sessions and the opportunity to fill out an application for the program are held on a regular basis. There is no cost to participants other than their commitment to put forth their very best efforts to complete the program.

If you are interested or have questions call: 279-2234/229-2645. You need to be over 18, be a U.S. citizen or legal resident, have a high school diploma or GED and a strong work ethic and commitment to complete the program.

## **GENDER BASED PROGRAMMING WHAT IS IT AND WHY WE NEED IT?\***

In recent years we have often heard the term: "gender based treatment" and "gender responsive programming" in conversations about substance abuse treatment, mental health treatment and programming for corrections. I first heard about it when touring the women's special needs unit at Mt. Pleasant when it opened a number of years ago. The staff told of receiving training for a gender based response in dealing with women when they have violated the rules. They said that they had learned that women want to know the reason why specific rules are in place. The approach that, rules should not be questioned and prisoners should be disciplined for asking for an explanation, is in conflict with the way women think. They also said that they were trained to respond by helping the women look at the problem and possible ways of solving it rather than simply disciplining them for having broken a rule.

Over the years we have heard more and more about gender responsive programming in regard to programming at Iowa Women's Correctional Facility. We now have a new Women's Center for Change which has been completed in Waterloo and will be offering services to women as soon as the legislative approves funding for staff. (At this point it does not appear that

the funding will be approved by the legislature.) Their programs will be based on gender based treatment principles. We would like to present an overview of Iowa Gender Responsive Programming Philosophy in the hope of increasing understanding and support for this approach.

First, we need to understand that the prison system is designed for men and it wasn't until recently that we realized that this approach doesn't work for women who are in the system. If we want to be successful in helping women to change their lives and becoming healthy citizens of our state we need to take a careful look at what it will take to accomplish this goal.

We need to understand that relationships are extremely important to women and they need to learn how to be sure that their relationships are healthy and are based on mutual respect and empathy. Women need help in recognizing their own strengths and ability to make good decisions. They need to know that they can be independent fully functioning human beings and do not need to get into unhealthy dependent relationships in order to survive.

Women also need to recognize physical, emotional, and sexual trauma that they have witnessed or experienced. This is called "trauma-informed practice." Case management should address the complex and multiple needs of women who have become involved with the criminal justice system. Women who are in the system represent a variety of cultures and racial backgrounds and there needs to be an understanding of how they have been shaped by their culture and its value system.

We do not deny that some of these principles also apply to men and that creative programming for men is also needed. One size does not fit all. The bottom line is that we need to develop a system that is designed to make our state safer by helping people develop healthy patterns of living rather than by simply punishing them and then releasing them back into society and expecting them to make good choices when they are less prepared to do so than when they entered the system.

\*Information in this article includes material from the Iowa DOC overview of Iowa Gender Responsive Programming Philosophy.

## **DISPARITY IN COCAINE SENTENCES REDUCED**

On June 30 the United States Sentencing Commission voted unanimously to give retroactive application to crack cocaine disparity from 100 to 1 to 18 to 1. The prisoner will have to petition a judge for a reduction of their sentence and requests will be decided on a case by case basis. The courts will consider the defendants' behavior while incarcerated and whether they pose a risk to society.

The sentence has always been seen as racial unfair since African Americans make up the majority of those convicted of crack crimes. Whites were found to be arrested guilty of offense related to powdered cocaine. The NAACP is among

those groups which have working for this change. About 85% of the prisoners who are expected to benefit are black.

This change only affects federal cases and does not affect state sentencing. Here in Iowa, the disparity has been reduced to 10 to 1, but this is not retroactive. We must work to bring that to pass here in Iowa.

## **CURE'S POSITION ON CONTROL UNITS**

International CURE has a very strong position on Control Units whether they are in the federal system or in state prisons. We believe that control units and long-term lock-downs should be abolished. No prisoner should be confined in conditions of isolation and reduced sensory stimulation. Mentally ill prisoners and those at risk of mental illness should be removed from control units. Psychologically-advanced programs should be developed for those who are mentally ill or emotionally disturbed. Cognitive restructuring should be emphasized early in the prisoner's incarceration before severe problems develop.

In the past 10 years there has been a proliferation of these units. Prisoners in such settings are locked down for 23 hours a day, are denied physical contact with other human beings, and have very limited verbal contact. I remember visiting a young man at Fort Madison several years ago. He was extremely nervous and asked me to forgive him his anxiety. He said it had been 3 months since he had had a normal conversation with another human being. In recent years it has been the practice to have exercise rooms rather than allow prisoners in Ad Seg to go out to the yard. I have had letters from prisoners asking CURE to convince those in charge that they need to at least see the out-of-doors.

Recently we have been receiving letters from prisoners who have been placed in the AD SEG Unit at the Newton Correctional Facility. We are told that prisoners in administrative segregation and those on Disciplinary Detention are treated basically the same. Over the past few years we have had complaints that those in this pod have their address books and watches taken away from them and that they are taken for showers and exercise from 9p.m. to 2 a.m. which makes it impossible to get a decent amount of sleep. One person told me how frightening it was to be put out in the little exercise space in the middle of the night.

CURE contacted Jerry Bartruff, who is in charge of offender services regarding these conditions. We sent a copy to the Office of the Citizen's Aide/Ombudsman and we were informed that they were working on a similar problem and wanted to know if and when we received a response. It took a very long time, but finally I was told that I had contacted the wrong person and it was Kris Weitzell, Assistant Deputy Director of the Western Region. Her response follows.

"I am responding to your concerns raised about NCF. Showers and exercise are done on 6 to 2 shift, exercise takes place in an outside area that was built for that purpose, window panels are like a milk glass which is how they were constructed which allows for light into the cell, the cell front windows are clear, offenders can communicate with one another 24/7, they

do not get personal property, officers make rounds every 30 minutes and offenders have the opportunity to talk with staff at all times, offenders are allowed reading materials and they get mail. Offenders are told why they are placed in the unit, the lights are turned on during shower and exercise time and then switched to dim. I have been on that unit many times and it is usually relatively quiet. I think I have addressed each of your issues, if you have further questions let me know."

We also received the following correspondence from Jerry Bartruff: "I can tell you that the DOC Central Office and Offender Services have concerns about offenders spending too much time in various segregation statuses ranging from multiple Ad Seg statuses to DD across the system. We are in the process of reworking our Ad Seg and DD policies, as well as the entire disciplinary policy which addresses these concerns and reduce the amount of time offenders serve in segregation. I would be glad to discuss this work with you at anytime."

Iowa CURE would appreciate any information prisoners and their families might care to share regarding this issue. We understand that there is supposed to be an effort on the part of staff to try to resolve issues without resorting to putting prisoners in Ad Seg and giving them a report. We would like to know if you are experiencing a new approach toward discipline.

## **MINUTES OF IOWA CURE**

A regular meeting of the Board of Iowa CURE was held on October 15, 2011 at 2 p.m. at the home of Jean Basinger, President. Those present were: Jean Basinger, Eddie Bloomer, Sue Royce, Carolyn Uhlenhake-Walker, and Jackie Robinson. Anne Bickell was absent due to illness and Larry Smith and Mary Kay Dial were absent due to other commitments.

The agenda was approved as written. Carolyn Uhlenhake agreed to be secretary. The secretary's report was approved with the following correction. The Board approved a change in the By Laws which would state that the Board of Directors shall be at least five in number. This is a change from the current by laws which require at least nine directors. Motion to approve by Jackie and seconded by Sue Royce.

No treasurer's report or membership report at this time.

"Voices to be Heard" report was given by Sue Royce. All persons pictured in the new brochure have to sign a picture release. A discussion was heard regarding childcare during "Voices" meetings. A general consensus is that the childcare providers would to decide on 2 or 3 behavior expectations to be posted and these expectations will be explained to parents and the children. A financial report needs to be presented at "Voices" meetings.

The Board members affirmed the unanimous vote by e-mail that was taken to elect Carolyn Uhlenhake-Walker and Sue Royce to the Iowa CURE Board.

Jean Basinger thanked the Board for the opportunity to attend the International meeting of CURE in Abuja, Nigeria in February. The report of the meeting was in the International CURE newsletter. Jean presented a report on the issue of shackling women in labor and postpartum at the meeting.

Jean also attended the International CURE Business meeting in Baton Rouge, LA in October. Several policy issues were discussed at the meeting. It was agreed that CURE may work with other groups and organizations that have a different position or philosophy than CURE on some issues. This would be decided on a case by case basis.

There was also a discussion as to whether or not CURE should be an International organization or should concentrate on working in the U.S... It was agreed that international chapters must be financially independent just as state chapters are.

The board reviewed International CURE's position on the "Rationale for the delivery of Criminal Sentences and agreed that it was very good.

CURE is beginning to use the term "therapeutic justice" as the term "restorative justice" is often misused, especially by the criminal justice system. Jackie gave an update on the visit to the ISP NAACP visit by our CURE team made up of Mary Kay, Jackie, and Janelle, They have all been approved, but now the staff at ISP is insisting that they attend a one and one half

hour training that is only held during the work week which means that those who work have to take a vacation day. Jackie is going to see if everyone can go on October 28<sup>th</sup>. The legislative agenda provided by the Justice Reform Consortium were reviewed.

The board favorably discussed the proposal to invite the Iowa Coalition 4 Juvenile Justice to merge with Iowa CURE. The current board of the IC4JJ would become a focus group of CURE and two of the board would become board members of CURE. Motion approved and seconded. Currently the IC4JJ is working on two projects: One is a brochure comparing the cost of a child in the justice system with one on the road to success (after school programs, college ed, job training. The second provides materials for a week of programs for religious organizations, schools, etc. to educate people regarding juvenile justice. This week will be around Feb. 14<sup>th</sup> and will be called a week of "Faith and Healing". IC4JJ will have the material ready for distribution soon. The meeting was adjourned. Respectfully Submitted - Carolyn Uhlenhake, Secretary, Pro-tem

NOT

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### **Voices To Be Heard**

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Melissa Nelson, 515-280-9027

### **CURE Sort**

#### **(Sex Offenders Restored Through Treatment)**

P.O. Box 761  
Milwaukee, WI 53201-0761  
[sata@satasort.org](mailto:sata@satasort.org)

### **Federal CURE**

P. O. Box 15667  
Plantation, FL 33318-5657  
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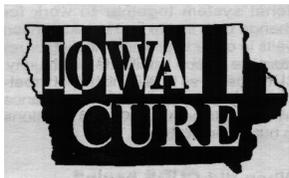
### **Life Long CURE**

P. O. Box 2093  
Englewood, CO 80150  
Kathy Isor and Barb Stephenson  
Send stamped, self-addressed envelope  
for brochure: [everyonesmom4@comcast.net](mailto:everyonesmom4@comcast.net)

### **CURE International**

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

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**Annual Membership Fees**

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