



## SAVE THE DATE! NOV 18 : VACURE'S 30th ANNUAL MEETING!

This past year has seen much attention paid to the problem of the number of mentally ill people who fill our jails and prisons. On **November 18**, we will hold our **30th Annual Meeting in Richmond** “**Addressing the Challenge of Mental Illness in Prisons.**” We will have speakers from the National Alliance of Mental illness (NAMI), from the VADOC and from the Coalition on Solitary Confinement.

We will also be showing films documenting conditions in Virginia’s maximum security prison, Red Onion. Oh yes, We will welcome Adrian Bennett, the Chairman of the Parole Board, who will discuss parole Board policies. An registration form for the meeting is on page 6. Please consider attending and supporting Virginia CURE in our advocacy.

### Incarcerating the mentally ill

In 1970, 196,000 people resided in American prisons, and another 161,000 in jails, or 174 inmates per 100,000 people. In 2015, 1.53 million people languished in US prisons and 728,000 in jails, or 673 per 100,000. Higher incarceration rates and longer sentences, along with the “war on drugs,” have imposed great costs on taxpayers, as well as on inmates, their families, and their communities.

Among this large group of incarcerated people can be found those suffering from mental illness. It is estimated that up to a third of US prisoners are mentally ill. Since state hospitals and other facilities have been closed, prisons and jails have become America’s “new asylums”. The number of individuals with serious mental illness in prisons and jails now exceeds the number in state psychiatric hospitals tenfold and continues to grow.

Problems associated with incarcerating mentally ill persons include:

- Jail/prison overcrowding resulting from mentally ill prisoners remaining behind bars longer than other prisoners
- Behavioral issues disturbing to other prisoners and correctional staff
- Physical attacks on correctional staff and other prisoners;
- Victimization of prisoners with mental illness in disproportionate numbers;
- Deterioration in the psychiatric condition of inmates with mental illness as they go without treatment;
- Relegation in grossly disproportionate numbers to solitary confinement, which worsens symptoms of mental illness;
- Jail/prison suicides in disproportionate numbers;

- Increased taxpayer costs; and
- Disproportionate rates of recidivism.

The ultimate solution to this problem is to maintain a functioning public mental health treatment system so that mentally ill persons do not end up in prisons and jails. To this end, public officials need to:

- Reform mental illness treatment laws and practices in the community to eliminate barriers to treatment for individuals too ill to recognize they need care, so they receive help before they are so disordered they commit acts that result in their arrest;
- Reform jail and prison treatment laws so inmates with mental illness can receive appropriate and necessary treatment just as inmates with medical conditions receive appropriate and necessary medical treatment;
- Implement and promote jail diversion programs such as mental health courts;
- Use court-ordered outpatient treatment (assisted outpatient treatment/AOT) to provide the support at-risk individuals need to live safely and successfully in the community;
- Encourage cost studies to compare the true cost of housing individuals with serious mental illness in prisons and jails to the cost of appropriately treating them in the community;
- Establish careful intake screening to identify medication needs, suicide danger, and other risks associated with mental illness;
- Institute mandatory release planning to provide community support and foster recovery and
- Provide appropriate mental illness treatment for inmates with serious psychiatric illness.

*Excerpted from “The Treatment of Persons with Mental Illness in Prisons and Jails: A State Survey” 2014*

## Virginia News

### **Virginia inmates with life sentences have possibility of release**

In the last 10 years there has been a growing understanding of the brain development of adolescents. This has led to a reconsideration of youthful offenders sentences. In 2012 the Supreme Court barred states from imposing mandatory life-without-parole sentences on anyone under 18 convicted of murder. The Court ruled that the more than 2,000 offenders already serving such sentences must be given the chance “to show their crime did not reflect irreparable corruption” and, if it did not, they should have some hope for freedom. Unfortunately, many states are acting on this mandate haltingly and the ruling has been received with contention. In Virginia the law says that juvenile murderers should receive a life sentence. Lawyers for the youthful offenders argue that this sentence is now unconstitutional. However, the Virginia Supreme Court ruled in February 2017 that such sentences can not be considered mandatory because judges can give inmates less than life by suspending all or part of a sentence recommended by a jury or plea agreement.

Prisoners with life sentences for crimes committed before 18 are expressing hope that though the Court ruled against the plaintiff in the February case, others will be more successful. In fact, some other Virginia inmates have had some success in federal courts. A new hearing was held in May for one prisoner who was convicted of a killing when 17 years of age. He was successful and may see release in several years. While capital murder offenders are the only ones serving what defense attorneys consider mandatory life sentences under Virginia law, others convicted of crimes they committed as juveniles say they, too, should get new sentences, even though their no-parole terms were discretionary.

### **Female numbers in Henrico jail more than double**

The Henrico County Jail has received \$750,000 to house 50 female prisoners in Chesterfield jail. Henrico Sheriff Mike Wade described the female population there as “skyrocketing” Women are sleeping on cots and even on mattresses on the floor he stated. There are two major causes, Wade explained: opioid addiction and sex trafficking. Ultimately, the two Henrico jails will be renovated for more space and a new building will be added for staff.

### **Mandatory reporting of pro bono is rejected**

The Virginia Supreme Court rejected a proposal to require Virginia lawyers to report each year on their contributions to public legal services. The court “declines to impose a mandatory reporting requirement,” stated Chief Justice Donald W. Lemons in a letter to a co-chair of the court commission that recommended the change.

### **Gillespie calls for looser marijuana laws**

Republican gubernatorial nominee Ed Gillespie is calling for loosening Virginia’s marijuana laws, raising the state’s grand larceny threshold and ending driver’s license suspensions for unpaid court costs as part of a broad effort to reform the state’s criminal justice system. Opponent Lt. Governor Northam noted that Gillespie is finally catching up with ideas the Democrats have been proposing for years and that Gillespie’s Republican colleagues in the House of Delegates keep killing bills proposing just those ideas!

### **Veterans to get more help in Prince William County**

The Veterans Treatment Docket, a drug and mental health treatment program that helps veterans stay out of jail, will expand Nov. 1st to Prince William County, next month. It aims to keep veterans who are suffering from mental health issues and addiction out of the justice system. The main goal is to connect veterans with treatment as soon as possible and hopefully help that person be rehabilitated, The Veterans Treatment Docket pairs up veterans with a mentor, who also is a veteran, to provide support. Hundreds of similar programs exist around the country.

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## Virginia News Continued

### Judge Rules Virginia Prisons Recognize Nation of Gods and Earth as Religion

Virginia's prison system must recognize an offshoot of the Nation of Islam as a religion and allow inmates who are followers to congregate and possess its publications, a federal judge ruled in August. The Virginia Department of Corrections considers the Nation of Gods and Earths, also known as the Five Percenters, to be a "security threat group" and therefore prohibited from gathering. U.S. District Judge Leonie Brinkema ruled the policy violates inmates' First Amendment right to freely exercise their religion and ordered Virginia to treat the group like all other beliefs behind bars. She said the department failed to prove that Nation of Gods and Earths is a "violent, racially supremacist gang." In an effort to settle the inmate's lawsuit, Virginia officials had offered to create a "dedicated housing unit" in Wallens Ridge State Prison where offenders who identify as Five Percenters could request to be transferred. In the housing unit, the department said the Five Percenters would be able to congregate and possess their literature. A leading member of the religion rejected that offer, calling it a "joke." adherents complain that they are being profiled as a gang, when they only want to practice their God centered religion as others do. There are numerous lawsuits currently underway involving the religion. Presently there are fifteen state systems that recognize the religion. The VADOC won a similar case in 2014. Stay tuned!

### Some Religions found in Prisons

Abrahamic: Judaism, Islam, Nation of Islam, and Christianity, (Protestant, Catholic),  
 Neopagan: Wotansvolk, Odinic Rite, Ásatrú Alliance, and Wicca  
 Other: Rastafari and Buddhism

The Supreme Court has never defined the term "religion." However, in deciding whether something is a religion, lower courts have asked whether the belief system addresses "fundamental and ultimate questions," is "comprehensive in nature," and presents "certain formal and external signs." If you want a nontraditional belief system to be recognized as a religion, it may help if you can show how your beliefs are similar to other, better-known religions. Does your religion have: many members, any leaders, a Holy Book, or other artifacts or symbols? Does it believe in a god or gods? Does it believe that life has a purpose? Does it have a story about the origin of people? Are there special holidays, special foods, or special dress? In the context of the First Amendment, religion need not be based on a mainstream faith or a belief in a Supreme Being, instead "when a person sincerely holds beliefs dealing with issues of 'ultimate concern' that for her occupy a 'place parallel to that filled by . . . God in traditionally religious persons,' those beliefs represent her religion."

### New Board of Corrections Began Work July 1st.

On July 1<sup>st</sup> the new Board of Corrections took up its duties with the added responsibility of the investigation of jail deaths. A lack of oversight was revealed in a number of recent deaths, especially the death of Jammycheal Mitchell in Hampton Roads. Virginia's jails were investigating themselves and were not required to report their findings to the public. The new Board of Corrections has members who have expertise and experience that will enable them to conduct proper investigations.

New members are Olivia Garland, a vice president at Optum State Consulting of United Health Group and former Deputy Commissioner of the state Department of Behavioral Health and Developmental Services; Deputy Virginia Beach Police Chief Bill Dean; retired Stafford County Sheriff Charles Jett; retired Southampton County Sheriff Vernie Francis, Jr.; and Heather Masters, Associate Chief Medical Officer at VCU Health Systems. Chairwoman Phyllis Randall and members Bobby Vassar, John Anderson, and Kevin Sykes will remain.

## National News

### Senate reconfirms Adjit Pai as FCC Chair

The Senate has voted to confirm the reappointment of Adjit Pai as Chairman of the Federal Communications Commission. Mr. Pai was one of two commissioners who dissented from the 2015 ruling that capped fees on interstate prisoner phone calls. At that time, under Chairman Wheeler, the FCC capped rates for local and in-state long-distance inmate calling and cut its existing cap on interstate long-distance calls by up to 50 percent. It also closed loopholes by barring most add-on fees imposed by inmate calling service (ICS) providers. The FCC then updated the Communications Act, modernized the literature and reclassified Internet Service Providers (ISPs) under Title II as "common carriers." This change gave the FCC oversight of ISPs, allowing them to ensure net neutrality (fairness). The appointment has triggered much opposition. Opponents of the appointment accuse Mr. Pai of planning to revoke the Title II classification of Internet Service Providers (ISPs) as common carriers, which would mark the end of net neutrality as we know it, and give ISPs complete power over the Internet, including the ability to outright ban certain websites on their network. There were 22 million comments on the Pai plan. It is unlikely that the FCC under Pai, will be friendly to capping costs of intrastate rates for prisoners. Pai was previously employed as a lawyer for Verizon.

## Reports

### Report criticizes solitary confinement for the mentally ill in federal prisons

Mentally ill federal prisoners are placed in solitary confinement for long periods, suffer from a lack of treatment resources and experience conditions that can worsen their ailments, according to a Justice Department watchdog report. The study, released by the department's inspector general's office, said the policies of the Bureau of Prisons (BOP) "do not adequately address the confinement of inmates with mental illness" in various forms of restrictive housing.

"While the BOP has taken a number of steps to address mental health concerns for inmates in restrictive housing, there are still significant issues regarding the adequacy and implementation of BOP policies in this critical area," said Inspector General Michael Horowitz.

Among the issues cited in the report:

- Some mentally ill inmates are housed in solitary confinement conditions for many years, though studies demonstrate that "can be psychologically harmful to any prisoner" and can lead to increased anger, aggression and recidivism.
- "BOP does not sufficiently track or monitor such inmates."
- "Mental Health staff do not always document inmates' mental disorders."
- "Mental health staffing does not support the treatment needs of inmates with mental illness."
- "BOP is "unable to accurately determine the number of inmates with mental illness."
- "BOP is unable to "ensure that it is providing appropriate care" to inmates with mental illness.

BOP agreed with recommendations from the inspector general's office, but prison officials did not respond to a request for comment.

### A Note About Letters to Virginia CURE

While Virginia CURE cares about your concerns and appreciates being kept informed, we don't have a volunteer staff large enough to reply promptly to all letters received. Please, keep it short and to the point. **Do not send legal papers.** We do not have the capacity to deal with legal issues.

Send mail to **P.O. Box 2310, Vienna, VA 22183**

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## Reports Continued

### Black Disparities in Youth Incarceration

A new multi state study by the Sentencing Project strongly supports the belief that people of color are the victims of an unfair justice system. In fact, black youth were more than five times as likely to be detained or committed compared to white youth, according to data from the Department of Justice collected in October 2015 and released this fall. Moreover, data shows that the number of black youth incarcerated is increasing! Forty-four percent of incarcerated youth were African American, despite the fact that African Americans comprise only 16 percent of all youth in the United States. Nationally, between 2001 and 2015, the youth rate of incarceration was 152 per 100,000. Black youth placement rate was 433 per 100,000, compared to a white youth placement rate of 86 per 100,000. Overall, the racial disparity between black and white youth in custody increased 22 percent since 2001. Racial disparities grew in 37 states and decreased in 13. Details of a number of the states covered in this report did not include Virginia.

### Wireless Prisons' Exploit Inmates With High User Fees, Claims Study

Prisons should be wary of private communications firms that "exploit" incarcerated individuals by charging high fees for the use of their services, the Prison Policy Initiative (PPI) warned in a recent report. In a study of a contract awarded by the Colorado Department of Corrections to GTL (formerly Global Tel\*Link) to provide computer tablets to inmates of the state's prisons, PPI charged prisoners would be forced to pay "exploitive pay-to-play" and subscription-based fees far higher than they would pay outside. For example, inmates would have to pay 49 cents per electronic message or \$19.99 a month for a music subscription. The contract gives GTL the power to raise prices when it suits the company's interests, or "to back out of the contract if it doesn't make as much money as it hopes to," wrote Stephen Raheer in the report, entitled, "The Wireless Prison: How Colorado's tablet computer program misses opportunities and monetizes the poor." Raheer said his study should serve as a "cautionary tale" to other state corrections systems.

### Treat or Repeat-- A State Survey of Serious Mental Illness, Major Crimes and Community Treatment September 2017

A comprehensive study conducted by The Office of Research and Public Affairs of the Treatment Advocacy Center. was undertaken to ascertain each state's structure and programming to assist individuals with serious mental illness who have committed major crimes succeed after community reentry. A literature review before undertaking the study confirmed that recidivism rates for the mentally ill were higher than those for others. The study identified three major findings from the survey of the states:

- 1. The majority of states do not provide adequate support in the community for individuals with serious mental illness** who have committed major crimes, resulting in higher re-arrest rates and all the attendant human and economic costs of re-incarceration..)
- 2. States vary greatly in how they address reentry from hospitals, jails and prisons into the community for individuals with serious mental illness** . Although some states have similar programs, no two states implement these programs in the same way, nor do states allocate resources to these programs uniformly.
- 3. Data indicate the magnitude of the problem is getting worse.** Los Angeles County reported a 350 percent increase in the number of IST cases referred for evaluation between 2010 and 2015; Based on these findings, the Treatment Advocacy Center made several recommendations, among them: Federal, state and local governments must create policies to stop the criminalization of individuals with serious mental illness. Federal, state and local governments must prioritize treatment for individuals with serious mental illness who are involved in the criminal justice system. State and local governments must implement evidence-based treatment programs for individuals with serious mental illness who have committed major crimes. Data collection, treatment and supervision must be individualized and based on outcomes. States were graded A-F. Virginia received a B-.

Citizens United for Rehabilitation of Errants-Virginia, Inc.  
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Phone and fax: 703-272-6459  
Email: [carla4vacure@gmail.com](mailto:carla4vacure@gmail.com)

## Virginia CURE 30<sup>th</sup> Annual Meeting and Conference

### *Addressing the Challenge of Mental Illness in Prison*

*Saturday, November 18, 2017*

9:AM-3:PM

Friends Meeting House

4500 Kensington Ave

Richmond 23221

### PRE-REGISTRATION FORM

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone number \_\_\_\_\_ E-mail address \_\_\_\_\_

Registration Fee – Includes morning coffee/tea, luncheon and meeting materials  
Checks and money orders are payable to Virginia CURE

**Pre-registration prior to November 15**

**CURE Members \$25.00**

*Non members \$30.00*

*Students \$10.00*

**After November 15**

**CURE Members \$30.00**

*Non-Members \$35.00*

*Students \$10.00*

To pre-register, mail form with remittance to:

**Virginia CURE**

P.O. Box 2310

Vienna, VA 22183

Attendees can pay at the door but we cannot guarantee lunch!

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**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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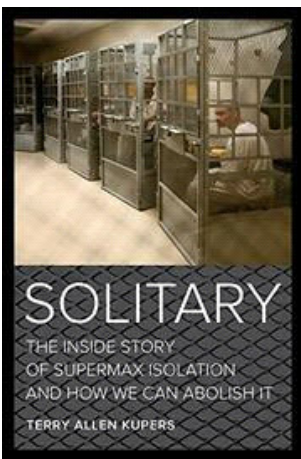
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**WE NEED YOUR EMAIL ADDRESS!**  
 If you have an email address and are not receiving updates from Virginia CURE, please send a message to carla4vacure@gmail.com

**Have You Renewed Your Membership?**  
 Please see membership form on back page.  
 We can't do this without you.

**Book Reviews: Solitary: The Inside story of Super Max Isolation and How We Can Abolish It**



**By Terry Allen Kupers**

A scathing report on the harsh culture of punishment in American prisons that finds expression most keenly in solitary confinement. With 40 years of experience as a forensic psychiatrist, including serving as an expert witness in several large class-action suits concerning jail and prison conditions, Kupers (*Prison Madness: The Mental Health Crisis Behind Bars and What We Must Do About It*, 1999) makes his position crystal clear: we must replace the culture of punishment with one of rehabilitation. The book is divided into three parts: "Harsh Conditions, Human Damage," and "The Alternative to Solitary." In the final section, Kupers calls for a rehabilitative attitude among all prison staff (as well as legislators and the public), a plan for keeping people with serious mental illness out of jails and prisons, and better ways of dealing with disturbed or disruptive prisoners. The author is especially concerned about prisoners with mental illness, noting that time served in

isolation exacerbates their condition and too frequently leads to suicide.

Citizens United for Rehabilitation of Errants– Virginia, Inc.  
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P.O. Box 2310  
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Virginia CURE web site  
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Use form for new memberships or to renew your membership for

## Membership in Virginia CURE

Join Virginia CURE today and become a part of the effort to work for criminal justice reform and safety in our communities. Send dues payment to:

Virginia CURE, P.O. Box 2310, Vienna, Virginia 22183

**Dues are payable January 1** on a yearly, non-prorated basis for current year. Prisoner members need to include state number on all communications to CURE.

*Remember to send address changes.*

### Check type of membership

- Prisoner\* \$ 2.00
- Individual \$ 20.00
- Family \$ 25.00
- Sustaining \$ 50.00
- Organization \$100.00
- Life \$100.00
- Renewal

Please make checks payable to **Virginia CURE**. Contributions are tax deductible under the provisions of 501(c)(3), Internal Revenue Code.

\*Prisoners may send five stamps.

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e-mail \_\_\_\_\_ prisoner birthday \_\_\_\_\_

phone day ( ) evening ( )

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

Involvement:  prisoner  family  friend  professional  volunteer

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

*please specify*

Virginia CURE invites prisoners to submit original articles, poetry and artwork for consideration for publication. Virginia CURE reserves the right to edit submissions accepted for publication.

Virginia CURE will not return submissions unless prior arrangements are made. Send submissions to: Newsletter Editor, Virginia CURE, P.O. Box 2310, Vienna, Virginia 22183

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