

Turning Point: The Newsletter of



Citizens United for
Rehabilitation of Errants

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From the Chair:

by Hedy Harden

Missouri CURE Update

The 2013 session, which ended May 17, was disappointing overall for progressive legislation. Happily, Jonathan's Law passed and is now law. But even the much-touted overhaul of the Criminal Code did not make the cut, in spite of massive amounts of time and resources devoted to it. The failure of that bill was largely due to opposition from the state's prosecuting attorneys. A recap of the 2013 session can be found on page 9.

I rode Amtrak to Kansas City MO in mid-May, where I was made to feel most welcome. Several CURE members gathered for dinner at a local restaurant and helped me celebrate my birthday. Jaws of Justice (KKFI radio 90.1 FM) interviewed me for a show that aired May 27 regarding the case of Keith Drone (see article, page 8).

We continue to receive complaints about how the Missouri Board of Probation & Parole (MBPP) is applying the Edger decision to increase time for Armed Criminal Action. Missouri statute requires a mandatory three years be served for any sentence of ACA before parole eligibility. The Edger ruling concerned a case without a statutory minimum. Yet the board used that decision to establish a regulatory minimum of 15

years for any ACA sentence of 45 years or more when serving consecutive sentences. Previously granted parole dates have been rescinded based on this regulatory mandatory minimum, which was



Missouri CURE members gather in Kansas City MO (L-R: Curtis Johnson, Helena Law, Dolores Owen, Hedy Harden & Keith Brown-El)

established at a later date. I believe this practice to be mean-spirited and unjust.

Additionally, parole board members are supposed to be unbiased. Yet at least three MBPP members have a background in law enforcement. This would appear to create a conflict of interest, since these individuals put many offenders in prison in the first place.

On May 23 Missouri CURE attended a Jails Coalition meeting at the ACLU office in St. Louis. Chaired by ACLU Program Associate Mustafa Abdullah, members of community organizations met to work on a plan to create civilian oversight of City Jails, which would include representation from the ex-offender population and from community-based organizations.

See Update—page 4

Spring 2013

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ACLU Calls for Civilian Oversight of St. Louis City Jails

Jails in St. Louis have been a problem for decades. The old downtown City Jail was finally replaced by the current Justice Center after a decade-long lawsuit by the ACLU. In 2002 the Corrections Superintendent was fired. In 2009 an explosive report by the ACLU exposed drug dealing, medical neglect and physical abuse. Two years later a new Superintendent was placed on forced leave.

Aldermanic hearings investigated fiscal mismanagement, understaffing, and underfunding by Mayor Slay's administration. 2012 brought a new Public Safety Director and an interim Corrections Superintendent. Yet escapes, abuse and indictments of guards have continued. The St. Louis



Medium Security Institution, formerly known as the Workhouse, has been the focus of many of these problems. In August 2012 seven prisoners filed a federal lawsuit alleging that guards used threats and beatings to force prisoners into so-called "gladiator fights," making bets on the outcome.

Scandalous conditions in the jails continue. The Board of Alderman's investigation into these conditions led to a mandate for the ACLU to negotiate with city officials and create an independent oversight agency to monitor conditions and recommend reform. After a series of meetings in 2009-2010, city officials walked away from the table and broke off negotiations. Reports of outrageous brutality by guards continue to

surface.

The ACLU has released a position paper titled "Suffering in Silence" calling for the city to take an innovative approach to dealing with these conditions, one that can stand as a model for other local and state institutions. It proposes creation of a Corrections Independent Review Committee (CIRC) made up of primary stakeholders which would have full access to all facilities, including unannounced visits, at any time.

The CIRC would also have the authority to conduct voluntary confidential interviews with any person, with full access to all official documents. The CIRC would monitor prisoner complaints and the grievance process, make recommendations, and monitor their implementation. An annual report would be publicly available. ❖

No one is free when others are oppressed.

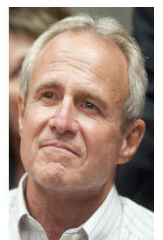
From the Innocence Project

Prosecutor to Face Criminal Charges

A Texas court has ruled that former Williamson County District Attorney Ken Anderson will face criminal contempt and tampering charges for failing to turn over evidence pointing to the innocence of Michael Morton (*pictured right*), who was later exonerated by DNA evidence after serving 25 years for his wife's murder. The court made specific findings that Anderson knew of evidence supporting Morton's innocence but intentionally failed to turn that evidence over to the defense.

The Judge ruled there was probable cause to believe Anderson violated three criminal laws by concealing evidence in the case and issued a warrant for his arrest. The decision to bring criminal charges against Anderson comes at the conclusion of a Court of

Inquiry that was convened at the request of the Innocence Project, which uncovered evidence that Anderson failed to turn over evidence that could have prevented Morton's wrongful conviction. The evidence was discovered during the Project's decade long legal battle to prove Morton's innocence.



Innocence Network Conference

The annual Innocence Network Conference was held April 19 - 21 in Charlotte, North Carolina. With 500 attendees, including more than 100 exonerees, the conference is the largest annual gathering of innocence advocates in the world. The conference is a unique opportunity for attorneys, forensic scientists, exonerees, organizational advocates and other innocent movement activists to come together, compare strategies and learn from each other. ❖

Top Pharmaceutical Company Blocks Propofol for Executions

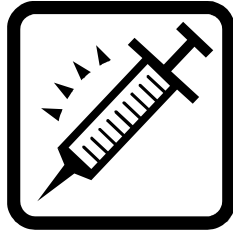
From the March 21, 2013 Philadelphia Inquirer PhillyPharma blog

Teva Pharmaceutical Industries will control distribution of the anesthetic propofol to prevent it from being used to execute U.S. prisoners. The largest manufacturer of generic drugs is relaunching the product, which factored in the death of singer Michael Jackson.

Propofol is approved for sedation or anesthesia during medical procedures or surgeries.

Last year Missouri adopted the use of propofol to carry out executions, but the state's Supreme Court subsequently ruled it was premature to carry out executions under the new procedure while death row inmates challenge it.

"Teva has shown that -- like any responsible pharmaceutical company -- it wishes to be in the business of



saving lives, not ending them in executions," said Maya Foa, head of the Stop the Lethal Injection Project at Reprieve, a London-based human rights group. Reprieve has led a campaign since 2010 to help drug makers prevent their products from being used in U.S. lethal-injection executions.

While supplying the drug to hospitals and healthcare providers, Teva will establish procedures to block sales to correctional facilities.

Teva, based in Israel, joins other drugmakers that have taken similar steps. Fresenius Kabi, another supplier of propofol, said last year it wouldn't accept orders for the sedative from any U.S. departments of corrections, and would tighten its distribution controls to try to prevent

the drug from being used in executions.

Hospira Inc., another drug-maker licensed to sell propofol in the U.S., has been censured after failing to respond to requests to take similar action. Hospira, based in Lake Forest IL, restarted propofol production late last year. The company has stated it does not support use of its products in lethal injection. However, in March the Medical Doctors' Pension Fund, based in Copenhagen, sold its \$8.3 million equity stake in Hospira after the company ignored repeated requests to change its distribution system to prevent misuse of the drug.

The Dutch pension fund for government and public sector employees is also assessing its investment in Hospira. ❖

St. Louis Youth Perform Shakespeare

by Hedy Harden

On Friday, April 19, my son Rob and I attended a performance of Macbeth at the St. Louis Juvenile Detention Center.

Sponsored by Prison Performing Arts, the presentation was part of the annual Shakespeare Festival.



The JCD is in a state of constant flux, and the original cast that had viewed the 3½ hour Macbeth film was no longer available, so a stand-in crew was assembled. After only 3 sessions and a brief rehearsal, the youngsters, four males and one female, delighted the audience with a special rendition of the famous play. ❖

"Men and women leaving prison are like astronauts who have traveled to another planet and are now returning. They have been away for a long time, during which society has changed without them. Their experiences can be fully understood only by someone who has visited the same planet. The earthbound can listen to their stories, but they can never really comprehend the experience."

from PPA News, introducing "Going Home," a performance by men at MECC Pacific.

Women Against Registry

We are a group of many organizations affected by the laws and sentencing policies which affect hundreds of thousand of citizens and their families each year.

For more information, please visit the Facebook page: <http://cgrcengage.com/justicefellowship/app/write-a-letter?0&engagementId=7517> or contact Carolyn Esparza (info@pffunited.org) or myself.

Vicki Henry
202.630-0345 or 636.208.5949
<http://www.womenagainstregistry.com>

KCMO Bans the Box on Job Applications

On April 4 the Kansas City City Council voted to remove the question about arrests or convictions from city employment applications.

“KC has just Banned the Box! Thank you all for your support in this process,” said councilman Jermaine Reed, who sponsored the measure. “Leadership is about doing what’s right, not what’s easiest.

“People with records face discrimination stigma and barriers every single day, not just in employment but in housing, education, services, and other areas of well,” Reed said.

The vote means that city job applications will no longer require



criminal history be declared, deferring background checks until the final phase of the hiring process. This gives ex-offenders a chance to present themselves at a job interview without being automatically disqualified.

Nationally, CURE has fought to ban the box. Currently, 42 cities in seven states have passed similar ‘ban the box’ measures.

“Employment is one of the most important facets of anyone’s journey back home when it comes to getting their life together,” said ex-offender Deborah Neal of KCMO. A former municipal judge, Neal now works in re-entry and helps others get back on their feet after an arrest, conviction or time served in jail. ❖



Update—from page 1

A committee was formed to create a process for collecting stories of abuse. An outreach committee will work to build a stronger base of allies. (See article, page 2).

Plans are underway for Missouri CURE to attend the NAACP Freedom Fund dinner June 27 at SECC in Charleston.

Our annual meeting will be held in the St. Louis area this year on September 28. See article on page ten. ❖

MADP Holds Annual Meeting in Springfield

Missourians for Alternatives to the Death Penalty held its annual meeting June 1 at the Council of Churches of the Ozarks in Springfield MO, where Donna Walmsley welcomed us on behalf of the Springfield chapter. Torch of Conscience awards were presented to State Rep. Rory Ellinger and State Sen. Joseph Keaveney for their sponsorship of anti-death penalty bills in 2013. A public debate featuring Dr. Martin Mittelstadt, U.S. Defense Attorney Tom Carvey, and State Rep. Charlie Norr explored the subject “Does Justice Demand Revenge?” ❖



MASW Honors Rep. Ellinger

State Rep. Rory Ellinger was honored as **Rep. Rory Ellinger** Legislator of the Year May 29 at the Missouri Association for Social Welfare annual banquet. Rep. Ellinger sponsored numerous social justice measures this session, including HB 752 and 753, MO CURE’s bills to reform the 85% law. Besides pushing for Medicaid expansion, which would have included health care coverage for released prisoners, Rep. Ellinger fought to remove obstacles to food stamp recipients, improve criminal procedures, and decriminalize misdemeanor marijuana charges, which disproportionately affect minorities and those in poverty. ❖

Merci

Many thanks to the members of the SECC NAACP for their gift of \$250.00 and to the men of NECC NAACP for their \$100.00 lifetime membership. We also appreciate the generous donations from Thomas Cunningham, Edward Epps, Curtis Johnson, Jack Pepperdine, Esther Wadley, Dawn White and Bud Wood.

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Avoid misconceptions about Missouri prisons

By State Rep. Rory Ellinger

A letter March 31 from Platt County Prosecuting Attorney Eric Zahnd accused the Post-Dispatch Editorial Board of giving biased information about inmates in Missouri prisons.

Mr. Zahnd states, “Approximately 29,500 of Missouri’s 30,000 prisoners are there because they committed violent offenses, had prior felony convictions, or were officially granted probation and went to prison only after ignoring a judge’s order.” His letter implies that virtually everyone in Missouri’s prisons is a violent, dangerous, repeat offender. I respectfully disagree with Mr. Zahnd’s implication and wish to clarify the facts to avoid misconceptions.

Almost 30 percent of Missouri’s 30,000 inmates are incarcerated due to a violation of their parole or probation. Many of these offenses are technical violations such as a failure to show up for a meeting with a probation officer or the possession, not the sale, of drugs. According to the department, of the 9,398 returns from supervision in FY2011 (which covers offenders who return to mainline prisons), 60 percent returned as a result of technical violations, while only 40 percent returned as a result of violations of law. The 2012 Department of Corrections Population Report also shows that of the over 30,000 Missouri inmates, about 14,100 (45.9 percent) were incarcerated for nonviolent or drug offenses, while sexual or violent offenders number 16,600 (54.1 percent).

Mr. Zahnd said that there are inmates in Missouri prisons who

have “stolen millions.” Really? I missed that in the data. The few white-collar criminals who do go to prison usually end up in federal, not state, prisons. I’m sure (*Post-Dispatch columnist*)

Bill McClellan would enjoy interviewing a millionaire in a Missouri prison. I would love to read that column.

Yes, we want violent offenders and those who kill, rape, or abuse women and children to be imprisoned. But we want them to learn something while inside that will deter them from committing further crimes when released.

We need more prosecutors who believe we are safe diverting large numbers of nonviolent offenders and those with minor probation or parole violations to mental health and drug treatment programs or short stays in local county jails. That was a key provision of the Justice Reinvestment Act signed into law last year. Instead of spending over \$40 a day to keep these people in prison, we can spend about \$15 a day providing real help through education or drug treatment programs. But we need cooperation from judges and prosecutors to make this work.

We cannot ignore that there are major problems in Missouri prisons. To start with, the staff is stretched very thin. Safety must always be a prime consideration in a prison, and the limited funds are naturally

directed first to safety. Due to budget cuts, the once broad and excellent educational programs are slowly being reduced to a few, including GED programs, metalurgy, Agnes Wilcox’s Shakespeare program, the director’s celebrated

Puppies for Parole program, and a few volunteer education programs run by Catholic nuns. Those are excellent programs but not enough to address the population. We need to renew the formerly close connection between our rural junior colleges and our largely rural prisons.

Furthermore, more mental health and substance abuse programs are needed. The Department of Corrections figures show that over 17 percent of inmates are mentally ill and 85 percent require treatment for substance abuse.

Since Missouri refuses to tax itself to meet our social needs (including humanely housing inmates) we might seek cost savings by investing in drug programs that reduce recidivism and allow us to close prisons, and reinvest the savings into educational and rehabilitation programs. Additional savings can be made if we implement more veteran, drug, and DUI courts, which can alleviate prison overcrowding, reform offenders, and as in other states, close prisons.

State Rep. Rory Ellinger, D-University City, represents the 86th District of the Missouri House of Representatives. He is a member of the House Judiciary Committee and the House Special Standing Committee on Corrections. ♦



“Ice, Ice, Baby!”

by Nancy Hight

The results of our “Summer Heat Survey” are in. Here are some of the comments we received:

From NECC:

“Think about having a hair dryer on you at 90 degrees at night.”

“I was in the hole for 21 days during the hottest days of July and we received no more ice than any other month, which was the usual 1 cup 3 times a day. No fan was offered either. I and my cellie lay on the concrete floor in our boxers to absorb the cooler sweat coming up. It was so miserable I wanted to die.”

“My window vent will not close all the way. So the one hundred degree plus temperatures poured in my window at all times.”

“I wrote a letter to the Governor and was told to buy a fan.”

“I constantly felt sick, my medicines were constantly stored in excessive heat and didn’t work well or not at all. The DOC did nothing about it.”

“Medical NEVER ONCE came into the wings to check on us—including the chronically ill like myself. Even when suffering heat exhaustion, Medical did NOTHING—because they, too, would have to leave the A/C to come where we lived.”

“Corrections Officers acted as if it was a huge problem to help us get ice elsewhere (when machines were broken), because they would have to come out of their ice cold—air-conditioned bubbles.”

“The dogs had larger fans.”

“Prison cells can reach temperatures in the hundreds many times each year. We had numerous people collapse from heat in 2012—yet nothing was done.”

“In the hole, only 2 cups of ice per

day...”

“They don’t check on anyone. It’s a lie. No one from DOC or medical ever comes around...They tell you you’re going to work or (go) to the hole. It was 104 degrees outside. I take several medications. I went to the hole that day (for not working Captain’s Crew).

“This facility is set up for air-conditioning, but we don’t have it.”

From WMCC:

“I hope this will give you an idea on just how severe the conditions are at WMCC Cameron as these were the most horrible conditions I have endured in 20 years in the Missouri Prison System. It was so bad, I wish a camera would have been available. You would see the disregard for human compassion...ice was passed out 2-3 times per day-through the food port—into a plastic container. However, due to the heat—it melted way too fast. The CO’s avoided the wings as it was so hot—they were drenched in their own sweat.”

“In AdSeg, inmates are allowed only one shower every three (3) days.”

“On days without noon rec, one was stuck in an oppressively HOT cell.”

“I was presented with a conduct violation in (summer) of 2012 for filling up a pitcher of ice.”

“Ice machines couldn’t keep up. They would bring only one bag of ice a day or part of a bag.”

“I would wake up. My sheets would be wet, not damp, from my sweat.”



From JCCC:

“Guards stated ice is only for them and not for offenders.”

“All AdSeg inmates in JCCC are denied ice.”

“I was punished for taking ice during the hottest part of the day. I was told that because of taking ice, I lost ice privileges.... (There were) 2 misting fans, but they did not ever run water to them...the Rec Officers kept them pointed at themselves.”

From SCCC:

“I missed out on ice call, because I worked at MVE.”

Missouri CURE received 42 responses to the survey as follows: NECC—20, WMCC—9, FCC—3, JCCC—3, SCCC—3, MECC—2, FRDC—1, BCC—1.

There is a commonality in EVERY response in that there were NO additional checks made on inmates due to their condition or age. Missouri CURE was advised in writing by the DOC that these checks would be done. Many of those who responded indicated that they had medical conditions, some of them severe.

Our survey showed that ice as a means of bringing down body temperature was denied to inmates in Ad-Seg. In addition, inmates reported being denied ice for long stretches of time (8 hours or more) during lockdown. This need for ice under extreme temperatures is clearly medical in nature. We find this blatant indifference to the well-being of offenders to be unacceptable.

We were also advised that inmates would have access to “misting fans,” but those were reportedly only available during recreation. In some

Prison Family Bill of Rights

A Coalition of prison family members and representatives of secular and faith based organizations serving prison families from across the United States attended the 2012 National Prisoner's Family Conference and affirmed the following:

- The Prison Family has the right to be treated with respect and dignity by any and all representatives of the prison system at all times.
- The Prison Family has the right to expect and be assured that the utmost care is established and maintained to provide a healthy and safe living environment that promotes effective rehabilitation, reintegration and parole planning throughout a loved one's incarceration.
- The Prison Family has the right to be treated and integrated as a positive resource in the process of rehabilitation and reintegration preparation and parole planning of an incarcerated loved one.
- The Prison Family has the right to receive consistency in the enforcement of rules; regulations and policies affecting a loved one's incarceration.
- The Prison Family has the right to



receive consistency in the enforcement of rules; regulations and/or policies affecting visitation and/or all forms of communication with an incarcerated loved one.

- The Prison Family has the right to be informed in a timely, clear, forthright and respectful manner of any changes in rules, regulations and/or policies affecting visitation and/or communication with an incarcerated loved one.
- The Prison Family has the right to be informed within 24 hours and in a compassionate manner regarding the illness, injury and/or death of an incarcerated loved one.
- The Prison Family has the right to extended visitation during the hospitalization of an incarcerated loved one.
- The Prison Family has the right to be informed within 24 hours of the security status change and/or transfer of an incarcerated loved one to a new facility.
- The Prison Family has the right to be provided specific written and evidenced-based reasons for a loved

one's security status change, clemency denial, and/or parole denial.

- The Prison Family has the right to have their incarcerated loved one housed within a distance from their permanent address that provides reasonable access for visitation and/or to facilitate serving as a resource in the rehabilitation and reintegration preparation and parole planning of their incarcerated loved one.
- The Prison Family has the right to be provided the current specific name or names and direct phone numbers of prison officials to contact for questions about their incarcerated loved one.
- The term "Prison Family" is herein defined as including, but not limited to a blood or adopted relation, spouse, domestic partner and/or trusted friend designated by an incarcerated person upon or during a period of confinement as one who will serve as an outside contact on his or her behalf for the relaying of any communication regarding the medical and mental health, security status and location of the incarcerated person and/or for making critical decisions on behalf of the incarcerated person in the event of his or her incapacitation. ❖

Survey—from page 6

institutions, these fans were either not available at all or not hooked up to a water supply.

Since the DOC has reclassified its inmate ranking system, inmates will be receiving less recreation this summer, due to having to share facilities in shifts with different custody levels. This change places inmates in hot cells for longer periods, and limits their ability to take advantage of the "misting" fans in facilities that offer them. Therefore, it appears that the DOC is actually

taking steps backward and making decisions that will result in more suffering for Missouri prisoners.

We received surveys from some inmates at air-conditioned facilities who work in non-air-conditioned sites. Upon return to their housing units they were not allowed to even get a cup of ice while trying to get their body temperature down after working long hours in a hot factory.

I would like to add that Missouri inmates pay for their own ice machines through the canteen fund. We

have a letter from the DOC stating that ice is a privilege. However, we believe that ice is a necessity when it is used to cool down body temperature or for other medical concerns. Prisoners also pay, via the canteen fund, for misting fans.

We thank everyone who contributed to this survey. The results were very revealing..

Now that we have this input from our members, we will contact the DOC and share our extreme concerns and dissatisfaction.

Look for a response in the next issue. ❖

How Much Time is Enough?

by Hedy Harden

Missouri Parole Board Kowtows to Outside Pressure

On May 27, community radio KKFI 90.1 in Kansas City MO aired a program about the troubling case of Keith Drone, a prisoner at JCCC. *Jaws of Justice* host Keith Brown El interviewed Hedy Harden as well as Calvin Drone and Martez Gardener, relatives of Keith Drone.

In 1989, four young men became involved in a robbery of a Holiday Inn in Kansas City MO. Gunfire was exchanged, and a security guard was shot in the leg.

Shot in the head was one of the suspects, 17-year-old Keith Drone. Another suspect was wounded in the buttocks. All three have recovered from their wounds.

A first-time offender, Keith Drone received 3 life sentences plus 65 years for robbery, assault and armed criminal action. He has been in prison for 24 years. While taking full responsibility for his role in the crime, by all accounts he has turned his life around in prison.

An elder in the Intensive Therapeutic Community at Jefferson City Correctional Center for more than a decade, he transferred last year to the Elderly Care Unit to assist the prisoners there. He facilitated Impact of Crime on Victims (ICVC) classes for ten years and is a tutor for GED classes.

The victim, a former police officer, has opposed Drone's release at all five of his parole hearings. At the latest hearing in January he presented a petition signed by a number of people to counter Drone's bid for parole. In spite of this victim opposition, the MBPP decided Drone had served enough time and is no longer a danger to society. They voted 4-2 to grant him a parole date in June of 2014. Drone was ecstatic.

The victim then enlisted the help of the Fraternal Order of Police, a national union. After several phone calls to DOC Central Office, the parole board, simply citing "new in-

formation," rescinded Drone's release date and scheduled him for another hearing in January of 2015.

Brown-El noted that this appears to be an example of a powerful organization flexing its muscles and saying we don't ever want to see him out. In fact, the former police officer stated at the January hearing that he wants Drone to "die in prison," despite the fact that he has a paroleable

sentence. The parole board is trying to appease this group at the expense of justice.

Calvin Drone, Keith Drone's nephew, cited the policy governing the board's actions, 14 CSR, which states that only way the board can cancel a person's parole date is if it receives new information it was not aware of, or if the prisoner's behavior somehow causes the board to cancel the out date. The board was in possession of all the information in this case and considered it during the 4-6 weeks it takes to make its decision.

Calvin said that Keith is a strong-minded person, sincere, and has his heart in the right place. This is evident in his prison record.

During his 24 years of imprisonment, Keith Drone has received 24 commendations for rehabilitative programs, including such impressive accomplishments as certification by the Library of Congress as a Braille Narrator. He received highest academic honors from Northwest Missouri Community College for computer technology. He completed Alternatives to Violence workshops and Anger Management classes. He assisted in building a

victims memorial at Missouri State Prison. He has glowing letters of recommendation from the Director of the Center for Braille Narration Production, prison staff, and the Rev. Carl McCullen. A member of the City Council of Columbia TN and CEO of Nehemiah Recovery Center in Columbia, Rev. McCullen has guaranteed Keith a home in a state removed from the victim.

Two of Drone's co-defendants have been paroled and are leading productive lives in society.

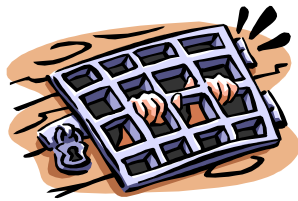
Keith Drone has a good family support system. While the family believes that he was over-sentenced in the first place, this is the first time they have challenged a decision by the Board. According to Calvin, although the original victim is entitled to his opinion, it appears that Keith has now become the victim in this case.

Relatives have set up a support group, Citizens for Justice rather than Revenge (CJR), which can be contacted at 913-713-9762.

Missouri CURE believes that the parole board has overstepped its bounds. The Drone case sets a precedent for what can be done to anyone. Rep. Rory Ellinger wrote in a letter to Gov. Nixon:

"I ask you to look into this matter. Our prison system has succeeded in reforming Keith Drone. He has served 24 years and has the support of officials inside his facility and a plan for employment and support upon release. Mr. Drone was granted release and the reversal of that decision is unfounded."

Information is also available on the Missouri CURE website. ❖



Summary of 2013 Legislative Session

Jonathan's Law, **SB 36**, was signed into law June 12 by Governor Nixon. It provides that a juvenile prosecuted as an adult can subsequently be tried in juvenile court. Under this act, the court must consider imposing a juvenile sentence and suspending the execution of the adult criminal sentence if the juvenile is under the age of 17 and a half.

Also, this act requires the court to make a finding on the record as to why the division was not appropriate for the offender if the court chooses not to impose a juvenile sentence prior to imposing an adult criminal sentence.

The only other criminal justice bills that have been delivered to Governor Nixon for approval or veto are **HB 215**, **HB 301** AND **HB 374**. Prisoners may write us for a full summary of any of these bills.

HB 215 is an omnibus crime bill that contains portions of several bills. It would increase penalties for sex crimes, including child pornography, provide reimbursement for forensic exams of children under age 14, and



increase penalties for domestic violence. The bill addresses treatment of juvenile offenders under the age of 18 by the DOC. It clarifies appointment by judges of private counsel for indigent defendants in view of the Public Defender's office caseload. The measure also concerns restitution, electronic monitoring, and petitions for conditional release from civil confinement.

HB 301 changes the laws regarding certain sexual offenses and sexually violent offenders and establishes a prisoner re-entry program for certain offenders. It provides for removal from the sexual registry of juvenile offenders under age 18 at the time of the crime.

HB 374 mostly concerns judicial proceedings. It addresses the cost of electronic monitoring and provides for a Veterans Court for the purpose of alternative sentencing of Veterans for treatment in cases which stem from substance abuse or mental illness.

Regarding the 85% reform bills **HB 752** and **753**, despite countless phone

calls and emails from prison family members, House Speaker Tim Jones refused to assign the bills to a committee until the final day of the session, which prevented any progress.

Rep. Ellinger, who sponsored the bills, has promised to prefile them again in December. We will be developing a strategy for advancing this legislation in the 2014 session.

HB 419, which would provide the possibility of parole hearings for LWOP sentences, advanced through the House and was voted "Do Pass." Its counterpart in the Senate, **SB389**, introduced by Sen. Jolie Justus, was assigned to the Judiciary Committee but died there.

Numerous efforts to expand Medicaid eligibility have failed to pass this session. Missouri has lost \$890 million in federal tax dollars and 24,000 jobs by failing to expand Medicaid. Worst of all, Missouri has lost the ability to provide nearly 300,000 people with health insurance.

Among these are former prisoners who would have been eligible for health care benefits. ❖

Medicaid Expansion Would Benefit Prisoners Reentering Society

According to a report by the Council of State Governments Justice Center published on *Corrections.com*, the Affordable Care Act is the most significant reform in health care in 45 years, and much of its implementation will depend on the states.

Nearly five million men and women are on probation and parole in this country. Making health care services available to them can sig-



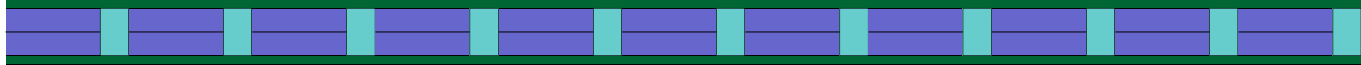
nificantly improve chances for successful reentry.

Unlike Missouri, whose legislature voted against expansion, Illinois has taken early steps to prepare local and state agencies for the state's estimated 200,000 persons under correctional supervision that would be newly eligible for Medicaid. This is expected to result in significant reductions in re-arrests and future costs for incarceration.

Should states successfully en-

able access to needed health services for people involved with the criminal justice system, it is possible to reduce recidivism, decrease corrections expenditures for health care services, increase federal funding for health services delivered in the community, and decrease safety risks within the corrections system.

Medicaid expansion is a win-win solution for ex-offenders and society-at-large, and would provide a huge savings for state corrections budgets. ❖



Annual MO CURE Conference

Missouri CURE will hold its annual meeting/conference on Saturday, September 28, in St. Louis County from 10 AM-4 PM. It will be held at Ferguson Middle School, 701 January Avenue, St. Louis MO 63135. From I-70, take the Florissant Road exit. Go north 2.3 miles to January Ave. and turn left. Ferguson Middle School is at the top of the hill on the right. As the time gets closer, look for further details on our website or contact us via phone or email.

Mandatory Minimum Sentencing FEDERAL SAFETY VALVE ACT

According to U.S. Congressman Bobby Scott (Democrat-VA), "Mandatory minimum sentences have been shown to mandate unjust results. ... They have a racially discriminatory impact, studies conclude that they waste the taxpayer's money, and they often violate common sense."

For these and other reasons, Representatives Scott and Tom

Massie (Republican-KY) are co-sponsoring the *Justice Safety Valve Act*. The proposed legislation gives federal judges the option of imposing sentences below the "one size fits all" minimum sentences mandated by federal law. A companion bill has also been introduced in the U.S. Senate, co-sponsored by Sen. Patrick Leahy (D-VT) and Sen. Rand Paul (R-KY). ❖

Join Missouri CURE!

Date _____

Name/ID# _____

Facility _____

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City _____

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Phone _____

E-mail _____

Please check the annual membership type:

- Prisoner \$2.00 *
- Individual \$10.00
- Lifetime \$100.00
- Donation \$ _____

Make checks payable to Missouri CURE.

* Stamps from prisoners are welcome if permitted by your institution.

CURE is NOT a service organization. We are an all-volunteer non-profit criminal justice advocacy organization. CURE has NO legal services. We advocate for criminal justice reform, but cannot take on individual cases.

Missouri CURE
P.O. Box 1245
Cape Girardeau MO 63702-1245

MEMBERSHIP EXPIRES



Together We Stand — Together We CURE!