

# Turning Point: The Newsletter of



Citizens United for  
Rehabilitation of Errants

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From the Chair

by Hedy Harden

## Heads Up!

For a long time Missouri CURE has been carrying hundreds of prisoners as members long after their expiration dates. We know that prisoners are super low-income, and we want to make sure the news and information get out to as many of you as possible.

However, postage has increased again, and we're having to cut back.

If you haven't received this issue (unless you were recently moved), it means that your subscription expired more than a year ago. We send notification of your expiration date when you join or renew, but for us to once again notify everyone who is past due would entail hundreds of dollars in postage.

Incidentally, a lifetime membership for a prisoner is \$20.00, but if you send a check, be sure to let us know whether it's for membership, a donation or both.

If you are indigent, you will need to inform us. We will give you a year's subscription to the newsletter, and then you will need to notify us again.

For our outside members, we've also carried many of you past your expiration dates. We have notified those for whom we have email addresses. All others who have not renewed in the past year should do so if you wish to continue as members.

We value all our members and supporters, and I want to take this opportunity to send out a special thanks to all,

especially prisoners, who have donated, whatever the amount, out of your meager income to support our organization.

CURE is truly your family in the fight for justice.

Please continue to write and inform us of developments inside. We count on you to provide knowledge that will aid in the struggle.

You should remember that CURE does not have the resources to take on individual cases, but we still appreciate knowing about them.

However, please do NOT send us legal documents. We have no attorneys and cannot handle your case.

We receive volumes of mail and cannot answer all of it, but we do keep all letters on file and recently we have started recording information when you notify us concerning issues. This way we will have it accessible when we take on specific issues.

Although we are on the outside, we are all volunteers and have families and lives of our own. Some of us work full time as well. None of us gets paid for what we do for CURE. We do it for YOU and your families, because we believe in justice and fair treatment. ❖



## Winter 2017-2018

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### Quote from poem: **A Litany for Survival** by Audre Lorde:

For those of us who live at the shoreline standing upon the constant edges of decision crucial and alone/...when we speak we are afraid our words will not be heard nor welcomed but when we are silent we are still afraid /So it is better to speak, remembering we were never meant to survive.

**1 in 50 children in the United States has a parent in prison. For black children, it's 1 in 9.**

## Missouri CURE

### Executive Board:

Chair: Hedy Harden

Vice-Chair: Keith Brown El

Secretary: Renese Drake

Recording Secretary: Shirley Miner

### Committee Coordinators

Maria McEntire: Finance

Frances Cummins: Membership

Angelika Mueller-Rowry: Prisoner Health

Auch family: Special Communications

### Advisory Board

Kenneth Bell	Shango Bey
Kevin Hammerschmidt	Damon Johnson
Judy Pickens	Patricia Prewitt
Roosevelt Price Jr.	David Ware
Joseph Williams	James Wilson

### Special Liaisons

- Aaron Burnett, OBS STL
- Brianna Burton, IWW of KCMO
- Nathaniel Johnson, STL Community Re-entry
- Bev Livingston, MISD KCMO
- Angelika Mueller-Rowry, Gateway Greens
- Margaret Phillips, MADP

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

## Mission Statement

CURE believes that prisons should be only for those who MUST be incarcerated and that prisons should only exist for the purposes of education and rehabilitation. CURE is a membership organization. We work hard to provide our members with the information and tools necessary to help them understand the criminal justice system and to advocate for positive change.

## Legislative Update

**A**s you may be aware, for some time a very negative atmosphere has been pervasive in our State Capitol.

Virtually the only positive criminal justice bills moving are those sponsored by Republicans. Almost all the progressive ones sponsored by Democrats have not even been assigned to committees. An exception is **HB 2301** (Washington) to **Raise the Age**, which was referred to the Judiciary Committee.

**SB 793** sponsored by Senator Wayne Wallingford is the Senate version of the Raise the Age bill. It would require that children under the age of 18 be prosecuted for most criminal offenses in juvenile courts unless certified as an adult. It was voted out of the Senate committee with a vote of 5 yes to 0 no (with one absent). **HB 1255**, Rep. Nick Schroer's Raise the Age bill, was heard by the Judiciary Committee on February 20.

### Mandatory Minimums:

**HB 1739** Rep. Cody Smith which would limit mandatory minimum sentencing had a hearing February 20 by the Crime Prevention Committee. It was voted Do Pass on February 27 by a vote of 7-0 with 4 members absent.

**SB 748** Rep. Ed Emery is the Senate version of HB1739. It was heard by the Senate Judiciary Committee on Feb. 26.

**HB 1359** Rick Hannegan would authorize the early parole of certain offenders over the age of sixty-five. It was voted out of the House Corrections committee with some amendments added (increasing the age and changing the parole hearing schedule). However, Rep. Hannegan thinks he can get those removed during the floor debate process.

**HB 1869** Mike Kelley, which would reduce to 50% the required time that first-time offenders of certain dangerous felonies would have to serve, has been referred to the Crime Prevention committee.

**HB 1596** Galen Higdon, which would make some mandatory minimums discretionary, was also referred to Crime Prevention.

**SB 966** by Caleb Rowden would make administrative changes, including parole board changes, releasing supervision-manageable cases, and increasing re-entry resources including community mental health services. It was heard on Feb. 26 by the Senate Judiciary Committee.

**T**he following bills (all sponsored by Democrats) have had only the second reading by the House as of 2/28/18:

### House Bills

<b>1695</b>	Sarah Unsicker	Would abolish the death penalty.
<b>2218</b>	Steve Roberts	Would abolish the death penalty.
<b>2455</b>	S. Roberts	Judge must consider if race played a role in death penalty decisions.
<b>1732</b>	Peter Meredith	Would require a judge or a jury to determine if a person's life would constitute a threat to another or society prior to issuing a sentence of death.
<b>1579</b>	Bruce Franks	Would establish good time.
<b>1776</b>	Brandon Ellington	Modifies provisions relating to good time credit and provisions authorizing expungement of certain criminal records.

## Family Members speak out on Food Visits

On Thursday, January 17, a memo from the Director of Adult Institutions Alana Boyles was addressed to all Missouri prisoners. It stated that effective the following Monday (the 22<sup>nd</sup>), food visits at the prisons would be indefinitely suspended. It was stated that the reason for this was the increase of drugs coming into the prisons. The question can be asked—is the suspension of food visits simply an effort to curb drugs coming into the prisons—or is it a punishment to prisoners for the drugs coming into the prisons?



Food visit rules vary from prison to prison but all agree that food visits are a positive incentive. Now that food visits are suspended, what are the incentives for good behavior? Since the use of tobacco will be prohibited in prisons starting in April, incentives for positive behavior will be needed more than ever.

Food coming in for food visits must follow strict rules, be visually inspected, and go through the scanner. Although it may be possible to sneak drugs in through food, this is not the major source of how drugs are brought into the prison.

Food visits are greatly looked forward to and provide positive interaction between prisoners and their visitors. It is often the highlight to someone's year.

The recent memo did not specify what needs to be done to reinstate the food visits. Will statistics be analyzed to determine if the food visit suspension makes a difference in drugs coming into the prison? Will all prisons be treated

the same?

It is agreed that illicit drugs coming into a prison is dangerous. Recent overdoses are very concerning, both in prison and in society at large. This situation must be analyzed, instead of making a knee-jerk response which frustrates the many who do not participate in such behavior. In light of the staff shortages and overcrowding in Missouri prisons, it would make sense to increase opportunities for positive behavior, rather than aggravate current tensions.

If you are concerned about the suspension of food visits in Missouri prisons, please write immediately to Anne Precythe, Director of the Department of Corrections, 2729 Plaza Drive, P.O. Box

236, Jefferson City MO 65102.

Other family complaints have noted:

- ◆ The food prisoners are fed is so terrible that food visits are the only time they get decent food. Food visits are something prisoners have earned through good behavior.
- ◆ The Department of Corrections is trying to insinuate that that's how all the drugs are getting inside. But they don't look at their own staff as being part of the problem or all of the problem. Although there may have been a few cases via food visits, DOC really needs to focus on their own staff. Get drug sniffing dogs to be by time clocks and spot check pockets and lunch buckets.
- ◆ The guys are so upset and they're afraid that riots will happen. Prisons are already understaffed and overcrowded, and this will just add to the dangerous situation that they have already created.
- ◆ Everyone needs to flood the director with calls and letters with our concerns about taking away the only real incentive for prisoners to want to follow institutional rules. It will take everyone to complain to make any kind of impact on their decision. If letters are sent to Central Office, a file will be kept. Thanks in advance for those who help. ❖

## “Sticks and Stones can Break my Bones, but Words can Never Hurt Me.” Right? Wrong!

By Bro. Stephen Cook EI  
SECC

There is power in words and their meanings. Positive or negative vibrations flow with speaking of a word, just like an electrical current. Therefore, words can have psychological effects on the conveyer as well as the receiver.

The word “offender,” for example, comes from the word “offend,” which means to anger or annoy. An offender, therefore is one who offends by angering or annoying. There's nothing positive, rehabilitating or correcting in the constant referring to prisoners by this derogatory label.

The staff employed by the DOC undergo “training” programs. This

training consists of planting into their psyche and then constantly reminding them that “offenders” are murderers, robbers, rapists, thieves and con artists who should never be trusted or believed.

***It offends me to be called an “offender.” I am a prisoner. I may have committed a crime, but that does not define me.***

The repetition in the usage of this word, “offender,” by staff dehumanizes prisoners and causes them to treat us as objects instead of human beings. This is revealed in everyday encounters between prisoners and staff, especially—in too many cases—where prisoners have complained to staff about medical issues and staff

brushed it off as if it was a “cry wolf,” or it was too close for their shift to be over. Then, the next day the prisoner is found dead.

The word “offender” really shows its diabolical nature in ad seg units, where prisoners are not just totally isolated from the rest of the prison population, but are isolated from the world. People in society express disgust when they watch commercials on their television screens about abused animals. Well, they should see the abuse of human beings that taxpayers are paying for in these prisons, especially in the ad seg units, which is justified and constantly reinforced by the word “offender.”

This matter should be carefully examined with hopes of correcting it. ❖

## Here's How to Request Help

*from ACLU of MO-STL*

**T**he American Civil Liberties Union of Missouri is a non-profit legal service agency that defends civil liberties and the principles of equality and justice in Missouri through its litigation, legislative and public education programs. If you have a complaint about your treatment in jail/prison, we may be able to help you. (Note: We do not investigate criminal complaints.) In the event you are experiencing difficulty with filing a complaint with our office, you may inform a family member and/or loved one that they may file on your behalf. Please provide your family member/friend with the following information for filing a complaint:

- ◆ Online complaints may be filed at: [www.aclu-mo.org/your-rights/file-a-complaint/](http://www.aclu-mo.org/your-rights/file-a-complaint/)
- ◆ Make sure you provide them with your registration number.

After exhausting the grievance process at your correctional facility, you can file a complaint with the American Civil Liberties Union of Missouri. **Please send all documentation** you have, including copies of grievances and prison/jail responses, to our office along with your complaint. The following outlines how to file a complaint and what to expect:

Mail completed Complaint Form and copies of grievance responses to:

ACLU of Missouri  
Attn: Intake Complaint Unit  
906 Olive St.



Suite #1130  
St. Louis, MO 63108

The complaint review process takes 4-6 weeks. You will not receive confirmation of your complaint until it has been processed. Once your complaint has been processed, it will be reviewed by a Complaint Counselor. The Complaint Counselor will decide:

- ◆ If more information is needed regarding your complaint
- ◆ If the ACLU of Missouri cannot assist you with your complaint
- ◆ If the ACLU-MO legal team will represent you

You will be notified in writing regarding the decision made about your complaint. If you should be transferred and/or released during our review process time, please inform our offices of your new mailing address.

Current issues in the Missouri prison system that the ACLU-MO are investigating include:

- ◆ Hepatitis C Treatment
- ◆ Public Defender System in Missouri
- ◆ Corizon Medical Provider
- ◆ Grievance Procedure Obstruction
- ◆ Solitary Confinement

If your complaint falls under one of those categories, you will be added to our investigative records database. ❖

### **Legislation** (from p. 2)

#### **House Bills (continued)**

1777	B. Ellington	Modifies when a person sentenced to LWOP may be eligible for parole if such person was under 21 (written by Kenneth Bell).
1935	Gail McCann Beatty	Would allow parole hearing for LWOP after 25 years.
2072	J. Neely	Would allow a court to reduce a life without parole sentence to a sentence of life with eligibility for parole in certain circumstances.
2071	J. Neely	Would allow a court to reduce a sentence for the offense of ACA in certain cases.
1448	Karla May	Regarding legalizing marijuana
1989	B. Ellington	Legalizing limited amounts of marijuana for persons aged 21 or older
1581	B. Franks	No prison for child support arrears
1586	B. Franks	Would establish a protestors' Bill of Rights
1778	B. Ellington	Would establish the Missouri Innocence Commission
1986	B. Ellington	DOC must help prepare prisoners for outside jobs

**To help move these bills along, please contact the speaker of the house and urge him to assign them to committees ASAP. Here is his contact information:**

**Rep. Todd Richardson**  
MO House of Representatives  
201 W. Capitol Ave., Room 308  
Jefferson City MO 65101

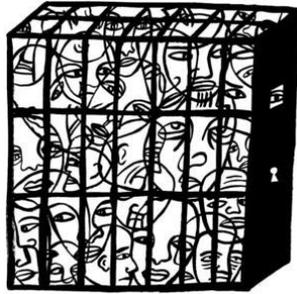


Legislative Assistant: Lean Hager  
Phone: 573-751-4039  
Email: [ToddRichardson@house.mo.gov](mailto:ToddRichardson@house.mo.gov)

## Denying Jail Time Credit Contributes to Overcrowded Prisons

An article in the St. Louis Post-Dispatch by Jesse Bogan & Curt Erickson was entitled, “Missouri faces choices: Improve prison system or build two new lockups.” The article spoke of Missouri prisons being more than 105% above capacity, and having over 36,000 convicted felons within the state’s 21 institutions (prisons). The article also spoke of Missouri having the 8<sup>th</sup> highest incarceration rate in the country.

One of the many factors contributing to institutional overcrowding is the enforcement of RSMo 558.031, which



deals with jail time credit.

The Missouri legislature revised RSMo 558.031, allowing the DOC to calculate the amount of jail time credit received by felons convicted by the Missouri Judiciary.

In granting the Executive branch (MODOC) the power to calculate jail time credit, the Missouri Judiciary no longer has the ability to ensure that convicted felons receive credit for time served prior to sentencing.

Now judicial decisions are being disregarded, plea agreements are being

breached, and convicted felons are serving more time than they’ve been sentenced to.

This Missouri statute negatively affects hundreds of prisoners and, as a result, we are essentially forced to serve free time—time that is not credited toward the completion of our sentences. This is one of the many factors that contribute to prison overcrowding. This issue can easily be rectified by revising RSMo 558.031.

If MODOC were forced to respect judicial decisions as it pertains to jail time credit, that would play a part in addressing prison overcrowding.

Robert E. Williams 180397, WRDCC ❖

## “Foundation” of Death

BuzzFeed News Reporter Chris McDaniel and the St. Louis Post-Dispatch have revealed what Missouri has tried for years to hide. Since 2014 the state has obtained its lethal drugs for executing prisoners from a pharmacy called Foundation Care, located in the St. Louis suburb of Earth City. The pharmacy has repeatedly been found to operate in hazardous pharmaceutical procedures. Its cofounder was accused of regularly ordering prescription medications for himself without a doctor’s prescription.

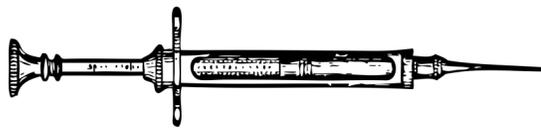
Late last year, Foundation Care was sold to a subsidiary of health care giant Centene Corporation. Before publication of this story, Centene declined to comment; after publication, it said that under its ownership, “Foundation Care has never supplied, and will never supply any pharmaceutical product to any state for the purpose of effectuating executions.”

The state of Missouri did everything it could to keep secret where it got the drugs it used to put 17 inmates to death.

Procuring execution drugs has become nearly impossible, as major pharmaceutical companies stopped making them or refused to provide them for capital punishment. In early 2014, when the previous pharmacy it had been using was exposed in the press and stopped providing the state with drugs, Missouri found a new pharmacy and stockpiled the lethal injection drug pentobarbital, enabling it to set a record pace for

executions, scheduling one a month for more than a year.

To hide the identity of the new pharmacy, the state uses a code name in its official documents. Missouri fought at least six lawsuits to stop death row prisoners, the press and the public from knowing the pharmacy’s identity. To buy the drugs, the state has sent a high-ranking corrections officer to a clandestine meeting with a company representative, exchanging an envelope full of cash for vials of pentobarbital. Since 2014,



Missouri has spent more than \$135,000 in such drug deals.

Foundation Care is known as a compounding pharmacy, which mixes specialty drugs not readily available on the market. These pharmacies are more loosely regulated than traditional manufacturers, and slipshod practices at some of them have led to tainted drugs and deadly disease outbreaks.

Using Missouri’s code name for the pharmacy, M7, Foundation Care stated in court documents, “M7’s decision to provide lethal chemicals to the Department was based on M7’s political views on the death penalty, and not based on economic reasons,” a representative for

the pharmacy wrote in a 2016 affidavit.

Foundation Care has been accused of multiple problems.

- In 2007, the FDA found that the pharmacy was not testing all of its drugs for sterility and bacterial contamination, and it uncovered a lab report that indicated a vial of the pharmacy’s drugs had, in fact, been contaminated with bacteria.

- In 2013, the FDA designated Foundation Care a “high-risk” pharmacy, and when FDA agents showed up to inspect it, the company’s CEO tried to block them from entering and threatened legal action. Inspectors ultimately gained access and found “multiple examples” of lax procedures that the agency warned “could lead to contamination of drugs, potentially putting patients at risk.”

- Two former senior employees — including the head of pharmacy operations — have alleged in a lawsuit that Foundation Care violated state or federal regulations by reselling drugs returned by patients, purposefully omitting the names of ingredients in drugs it prepared, and failing to notify other states about a \$300,000 settlement with Kansas over allegations of Medicaid fraud.

- A suit by a former pharmacy tech alleges she complained to her supervisors and the Missouri Board of Pharmacy about “serious operational violations.” The employee alleged she was fired shortly after filing her complaint. The company denied the allegations but settled with the employee out of court. ❖

## Federal Court Orders Healthcare for Transgender Prisoner

### From an article by Lambda Legal

**O**n February 9 a federal district court ordered MODOC and Corizon to immediately provide Jessica Hicklin, a 38-year-old transgender woman incarcerated at PCC, with care that her doctors deem to be medically necessary treatment for her gender dysphoria. (Jessica's name was previously James.)

In April 2017, Lambda Legal filed a motion for a preliminary injunction asking the Court to grant Ms. Hicklin immediate access to hormone therapy, permanent body hair removal as well as access to gender-affirming canteen items – all recommended by her doctors as part of her treatment in accordance with the prevailing standards of care.

“This decision is such a welcome

relief. Jessica will finally have access to the potentially life-saving medical care she has waited so many years for,” said Demoya Gordon, Transgender Rights Project Attorney for Lambda Legal.

“Forcing her to go without medically necessary treatment was unnecessarily cruel and the source of a lot of pain and anguish for her.

Furthermore, this makes clear that the Eighth Amendment requires that prisons provide all forms of medically necessary treatment for gender dysphoria. Ensuring that Ms. Hicklin receives constitutionally adequate medical care

while the lawsuit proceeds was the humane thing to do.”

Lambda Legal is challenging Defendants' discriminatory “freeze-frame” policy that affects Ms. Hicklin

and all transgender prisoners in Missouri. The policy is a blanket ban on the treatment of those in custody who have been diagnosed with gender dysphoria, if they were not receiving treatment prior to incarceration.

**A**ccording to Richard Saenz, Staff Attorney and Criminal Justice and Police Misconduct Strategist, “Today's decision joins a number of federal courts that have held that such arbitrary and discriminatory policies violate the Eighth Amendment's prohibition on cruel and unusual punishment.”

“For years, I felt like I had been drowning,” said Jessica Hicklin. “But today, I can finally breathe because I will be able to start an important part of my transition that I had been waiting for desperately. Today's decision is like someone threw me a life preserver—it has saved my life.” ♦



## Privatizing Missouri's Public Defender System

**S**tarting March 1, indigent defendants in Texas County (in Southern Missouri) will be represented by private attorneys for most crimes—after the Missouri State Public Defender decided to completely privatize Texas County.

Missouri State Rep. Robert Ross, who represents Texas County, has introduced a bill seeking to privatize the entire Public Defender system for 90% of its cases, all but the most serious crimes. HB 2396 was assigned to the Budget committee which meets March 1.

Private lawyers would handle all traffic cases, all misdemeanor cases, all probation violation cases and lower level felonies, the longest punishment for which is five years in prison. The most severe felonies such as first-degree burglary and

murder would still be handled by public defenders.



Last year the ACLU and MacArthur Justice Center of St. Louis filed a lawsuit against the state for its chronic underfunding of the PD system. Tony Rothert of ACLU said, “This chronic underfunding has resulted in an equally chronic constitutional crisis in Missouri that has cost the livelihood of thousands of Missourians who are denied justice because their attorneys couldn't devote the necessary time or resources to their cases.”

Of the \$4.5 million the legislature approved for funding the Public Defenders office, Gov. Jay Nixon slashed it by \$3.5 million. Gov. Greitens restored \$2.5 million to the office. But the lawsuit says it would take an additional \$20 million per

year and more than 300 additional lawyers for the state's public defender system “to meet the constitutional floor of providing minimally adequate representation to indigent defendants.”

Although private attorneys charge defendants anywhere from \$200 to \$500 an hour to handle cases, the pay for contract work for the public defenders' office depends on the severity of the crime. Private attorneys get \$10,000 flat for a murder case, \$750 for low-level felony drug cases and \$375 for misdemeanor cases.

In contrast, the state spent only \$325 per case to represent most indigent defendants in 2017.

“The constitutional right to counsel is not merely the right to a warm body licensed to practice law at one's side once trial begins,” reads the lawsuit. ♦

## U.S. Senate Committee Approves Bipartisan Sentencing Reform Bill

**T**he US Senate Judiciary Committee on February 15 advanced legislation to reduce some federal mandatory minimum sentences for drug offenses and to reform federal prisons on a bipartisan vote of 16 to 5.

The Sentencing Reform and Corrections Act (S. 1917) would give judges greater flexibility in sentencing below a mandatory minimum



in low-level cases and curbing outsized sentences – including life without parole for a third drug crime. Several of the bill's provisions would allow some current prisoners to petition for retroactive relief, including 3,100 people incarcerated under the old 100 to 1 crack cocaine disparity.

The President's budget for FY 2019, released this week, projects a five percent increase in the federal prison population over current levels. Staffing shortages at

federal prisons nationwide have already forced medical staff, administrators and kitchen workers to take on corrections duties, raising safety concerns. Without action by Congress, the prison problems are likely to worsen given Trump's plan to cut 6,000 positions in federal prisons, including 1,800 openings for correctional officers.

**Marc Mauer**  
The Sentencing Project

## Winter Activities

- December 1,15 Membership committee meetings (Frances, Hedy)
  - 2 MADP board meeting in Jefferson City (Hedy)
- 3, 16, 30 Prisoner Health Committee meetings (Angie, Hedy)
  - 7-12 Keith in St. Louis
    - 9 STL CURE meeting, University City Library 6:30 pm
    - 14 PPA Performance at MECC Pacific (Angie, Hedy)
    - 18 KKFI Jaws of Justice: Keith interviews a group of citizens demanding that Franklin County Kansas provide feminine hygiene products for women in their jail
    - 18 KC CURE meeting
    - 18 OBS meeting (Hedy)
    - 25 Keith joins staff of KKFI Jaws of Justice in hosting Christmas Morning Coffee with stories of prison struggles—past, present and future, with audience feedback.
    - 27 Networking with STL Post-Dispatch reporter Jesse Bogan about prisoner medical issues/Hep C (Angie)
    - 27 PCC NAACP Kwanzaa celebration and banquet (Evelyn, Hedy)
- January 3 Empower Missouri conference call (Hedy)
  - 7,14,22,28 IWOC Letters to Prisoners meetings in KCMO (Keith)
    - 8 Keith interviewed by Charlie Sullivan, president of National CURE
    - 10 Jeff Humfeld & Keith attend hearing for Ricky Kidd at Missouri Supreme Court in Jefferson City. →
  - 12,22 Membership Committee meetings (Frances, Hedy)
    - 13 KCMO Urban Roots Coalition Crime Prevention summit (Shaheer, Keith, Stephanie Charles)
  - 13,21 Prisoner Health Committee meetings (Angie, Hedy)
    - 15 KCMO CURE meeting
    - 20 Discussion with Food, not Bombs on organizing resistance following a film screening (Keith)
  - 25-30 Keith in St. Louis
    - 26 STL CURE meeting and pot luck
    - 26 Conference call with other leaders & organizers of the Millions for Prisoners Human Rights March from around the country (Keith & Hedy)
    - 27 OBS Anniversary Celebration (Evelyn, Angie, Keith and Hedy)
    - 30 Keith & Hedy speak to ACLU interns in STL
- February 2,17 Prisoner Health Committee meetings (Angie, Hedy)
  - 2, 22 Membership Committee meetings (Frances, Hedy)
    - 5 Keith interviews Reggie Clemons, Vera Thomas & Jamala Rogers on KKFI’s Jaws of Justice
    - 7 Phone meeting with MacArthur Justice Center (Hedy)
    - 9 Eggs & Enlightenment meeting in KCMO (Keith)
    - 10 Forum at Washington University: Mental Health & the Criminal Justice System (Angie, Hedy)
    - 13 Keith attended planning meeting for a criminal justice reform panel to be held in September 2018 in KCMO and hosted by Delta Sigma Theta
    - 14 Meeting with Attorney Mae Quinn (Hedy, Angie & Evelyn)
    - 17 Celebration of 4th Anniversary of New Grey Panthers in KCMO (Keith)
    - 19 KC CURE meeting
    - 20 KC Grassroots Coalition meeting (Keith)
  - 22-27 Keith in St. Louis
    - 23 Networking with KC Star reporter Andrew Marso about prisoner grievances, medical issues (Angie)
    - 23 STL CURE Meeting
    - 26 Networking with Beth Schwartzapfel, Marshall Project, about prisoner medical issues (Angie) ❖



# Family of George Allen awarded \$14 million by Hedy Harden

George Allen Jr. was 26 when he was arrested for killing and raping Mary Bell, a white woman who worked for the St. Louis Post-Dispatch. After serving 30 years in prison for a crime he didn't commit, during which he was blinded in one eye during a prison attack, George was finally exonerated with help from the Innocence Project and released in 2012. He died in 2016. George's elderly mother Lonzetta Taylor filed a lawsuit which was finally settled out of court in January 2018.

The lawsuit claims that detectives beat a confession out of Allen and withheld evidence showing his innocence. While neither the city nor the state would admit to any wrongdoing, the state court that granted Allen his freedom ruled that police covered up the fact that blood found at the scene ruled out Allen as the murderer.

When the crime occurred George was at home with his family in University City during the "big snow" of 1982, after 24

inches were dumped on the St. Louis area. It was more than a month later that George happened to be walking in the South City area near the crime scene when police, looking for a known sex

but no amount of money can compensate for the injustice of a life being stolen and the family's grief and hardship.

Tom Block, who fought for justice for George for decades, said: "George Allen Jr.'s and Lonzetta Taylor's lawsuit against the city and state for wrongful incarceration has been settled outside of court and jury trial.

"In my humble opinion, that is a shame, because I wanted everyone to know how badly our taxpayers dollars are used when there is prosecutorial misconduct, and that incarcerating an innocent man results in both waste of victim and cloud over our law enforcement.

"I have included a link to the filings of court documents. The case for the plaintiff is a horror story.

Well, I have been at this for over 20 years, and this settlement is a small amount of justice, although George—while exonerated—is now deceased. May he rest in peace."

[Allen et al v. Gray et al Docket Item 1 United States Courts Archive](#)

*(Photo provided by active CURE member Denorce Starks, the sister of Lonzetta Taylor and aunt of George Allen) ♦*



Family of George Allen at his Homegoing Celebration in 2016.

offender in the area, took George in for questioning.

Even after George produced an ID showing he was not the suspect, police interrogated the mentally ill man for hours, feeding him answers until he confessed.

George's family was awarded nearly \$14 million for his wrongful conviction,

## No New Contract with Corizon! by Angelika Mueller-Rowry

The Missouri DOC is now in the process of renewing its contract with Corizon. We take this opportunity to strongly urge that there be no new contract with Corizon Health LLC.

Instead, DOC should provide community-based medical & mental health treatment that ensures the full scope of provisions laid out in RSMo 217.230, including:



- ♦ Timely access to specialist assessments and the right to a second opinion.
- ♦ Community-based medical and mental health specialists make the "final judgement call" regarding treatment, care, access to medical devices and 'lay-ins', not some institutional entity.
- ♦ Institutional classification staff must comply with community specialists' orders and recommendations.
- ♦ Physical exams including comprehensive blood work for every prisoner upon entry into MDOC.
- ♦ Provide a healthy prison diet and healthy canteen options, sufficient sleep, daily access to fresh air and physical exercise for every prisoner (including those in segregation), and trauma-informed counseling for every prisoner.
- ♦ Release of ALL medical records in written format, without delay, for prisoners free of charge.

## Electing District Attorneys Who Stand For Reform:

The following is excerpted from a *Shaun King* broadcast:

I wanna take a few minutes this morning to teach about how our nation's criminal justice system actually works. We've marched, we've protested, we've boycotted, we've taken knees, we've raised fists – and I'm glad we've done every single one of those things. I hope we continue to do them, but this morning I want to tell you about the one thing we can do from coast to coast that will actually shake up the criminal justice.

I think the single most important action we can take to reform the justice system in 2018... is to elect progressive, woke, conscious, reform-minded prosecutors.

No single individual plays a bigger role in the criminal justice system in this country than the District Attorney. Our nation has 2,300 of them operating in every county and every medium to large city in America.

No role, no person has a bigger impact on who goes to jail and who doesn't, who gets prosecuted and who doesn't, than the District Attorney. No single person plays a bigger role in

whether or not corrupt and violent police are not only charged with crimes, but also get convicted, than the District Attorney.

And let me tell you something that is both shocking and disgusting. Over the 2,300 elected DA's in the United States, 95% of them are white and 80% of them



are men.

In a nation that is on its way to becoming a nation of color, 95% of District Attorneys are white and they are largely conservative white men. It may very well

be the whitest, most conservative, male dominated profession in America.

Let me get even more specific. Thirty states don't have a single black DA. 14 states don't have a single DA of color – not a Latino, or an Arab American, or an Asian American – 14 states have all white DA's.

As it stands right now, less than 1% of America's DA's are women of color... It's also political. The majority of DA's from coast to coast are super conservative white men.

Most people can't even name their DA. And listen to me – that's exactly how they want it. They want that position and that authority that comes with it to be their own secret power structure. They've dominated that position for hundreds of years now and if we want any type of change at all – we're going to have to change the game with who gets elected as the DA not just in our city, but we're going to have to care about who gets elected in every city and county across the country. ❖

### Various Shades of Grey by Gerald Duncan 1097466

No Snow, No Rain; From the Sun not a Ray. Just Various Shades of Grey.  
I Rode in a Jet, the Sun So Bright, Reflected from the Tops of the Clouds, So White.  
Illuminated, seemed Brighter than Snow. Now/Down Here, Stuck Below, It's not so Bright.  
Not so Much/White. Just Various Shades of Grey. On an Overcast Day It may be Darker, but Still,  
Just Various Shades of Grey.



There was a Time when I took Color for Granted.  
Now It's like Living in an old Black & White Movie, and not a good one at that.  
From the Shadows on the Concrete Walls To the Spectre-like people that drift up and down the halls,  
Just Various Shades of Grey.

When I was Younger my Hair had Color, as did most all My Friends.  
From Black to Blonde, some Red, some Brown. But Now for the most part,  
Just Various Shades of Grey.

There seems to be a shortage of Honesty here. Of those one Can trust to be Truthful at all times.  
Whose Word is as pure As the Driven Snow. No, It seems to me that people here/  
Are driven by other things. Self-interest. Ulterior Motives./Maybe it's always been that way, and I just noticed it here. Perhaps I've just grown more Cynical over the years. Now,  
Either way, it's Just Various Shades of Grey.

When I get out I think I'll get Sunglasses. Not Red for sure. No Blue or Green or Brown, but Grey.  
That So I can see the World, not as most may Perceive it, But as it truly is.  
Just Various Shades of Grey.

## Address to St. Louis ACLU interns

January 30, 2018

Good Afternoon:  
My name is Keith Brown El and the first thing I'd like to say is that I am an undocumented alien—though not the kind who is here hiding out from the immigration service. I am undocumented because I am a black man, an African-American who for the last 63 years has been living in a racist society that refuses to acknowledge my rights as a citizen of this country and even my rights as a human being.

And not only am I merely an undocumented alien, I am a double undocumented alien because I am a formerly incarcerated person, commonly referred to as a convicted felon. Hence my reason for being at this meeting today. Therefore, I'd like to extend my gratitude to everyone here at the ACLU for the invitation.

Obviously I am using the term "undocumented" symbolically because I was, after all, born and raised right here in this country. I also have a fairly long criminal record. Because of these factors some people may feel that undocumented is the wrong word and that invisible would be a more appropriate term.

But to be invisible (to society) is a condition that exists only when a person is incarcerated in a jail cell. When people like me are out here on the streets we are

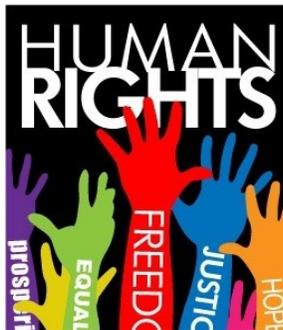
The average U.S. male has a 1 in 9 chance of going to prison in his lifetime. That jumps to 1 in 6 for Latino males and 1 in 3 for black males.

anything but invisible to law enforcement and other government officials. In fact we become prime targets for unlawful arrests; city, county and state detentions; all sort of inhumane treatment; convictions; police ass-whippings and unjustified police shootings.

There are no easy answers to these problems and I'm sure that I'm not telling anyone here today anything they don't already know.

But I would like to share a few things that you may or may not be aware of: The United States has over 7,000 prisons and jails. Inside those lockups are roughly 2.5 million people (roughly one-fourth of the world's prison population). Among these are innocent and guilty people alike. Every day it becomes more obvious that

this so called criminal justice system does not care whether a person accused of committing a crime falls in the former category or the latter. People go to jail not because they are innocent or guilty but because they are poor, they are ignorant about how the criminal justice system operates, and therefore they are helpless to defend themselves against it. And they are there not because prisons are being built and run to keep our communities safe,



but because these prisons are being built and run for profit. I know I don't have a lot of time so let me be brief and to the point:  
I don't think that we will ever succeed in abolishing prisons. I'm not sure that we should even want to. If we did away with prisons, where are we going to put the criminals who are running the jails, all the corrupt public officials who are causing innocent people to be put there, and all these crooks walking around with badges and uniforms who are physically brutalizing and shooting down innocent and unarmed people without any justification?

We do not need to do away with prisons, and I say this even with the full knowledge that there are a significant number of people in prison who are innocent or otherwise worthy of being released. Unfortunately, even in many of these cases, for them, it is simply too late. However, I still feel that every prisoner—regardless of his or her crime—deserves fair and humane treatment. And I don't think any of the people in this room would be here today if they didn't feel that way too. So please know that I and others who are still imprisoned do appreciate your presence.

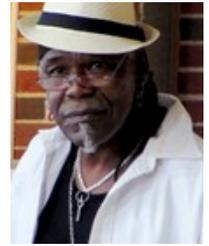
Please also know that I don't mind doing whatever I can to fight for the rights of people in prison, but I would rather see most of them there not be there to begin with, so that we wouldn't have to fight for their rights in the first place. Reducing the amount of prisoner intake will go a long way to reduce the

prison population and make fighting for the ones who remain locked up a lot less difficult.

To meet these goals we need to start finding ways to:

- File lawsuits that will force big money corporations to divest in prison industries. This will cut off the state and the DOC's supply of money in this area. Then the state would be forced to reduce the prison population.
- Bring legal challenges aimed at minimizing plea bargains to stop prosecutors and judges from abusing their sentencing discretion.  
**Guilty pleas are supposed to be voluntary.** There is nothing voluntary when a criminal defendant has the very real threat of a much harsher sentence hanging over his or her head and knows they will ultimately be harshly penalized if found guilty for exercising their right to jury trial.  
Sentencing discretion should be taken out of the hands of prosecutors and judges in cases where a defendant is tried by a jury, and the jury should be the ones who impose the sentence. Judges and Prosecutors know that juries are likely to be more reasonable when given a chance to decide punishment; that is why they want to keep this privilege for themselves.
- If a codefendant turns state's evidence against his or her alleged accomplices, it should be mandatory that every other defendant should receive the same amount of time if they choose to plead guilty rather than go to trial. This will make prosecutors less arrogant and more reasonable when trying to negotiate plea bargains. Codefendants who are willing to testify (or lie for the state just to save their own necks) will be less important in helping the state secure a conviction.

Once again, this is Keith Brown El, I am the Vice-Chairman of Missouri CURE, and I thank you for listening. ❖



## JPay expects to make \$8.8M from NY prisoners from tablets

Excerpted from the Associated Press article of Feb 17, 2018

**S**elling downloaded entertainment and email service via tablet computers given free of charge to approximately 50,000 inmates in the New York prison system will bring in nearly \$9 million in five years for a Florida-based company.

That's according to the state contract awarded to JPay, the Miami-based prison services vendor that plans to provide the portable devices to inmates at 54 state-run correctional facilities starting later this year.

A copy of the contract provided to [Syracuse.com](http://Syracuse.com) by the state comptroller's



office shows JPay expects to make \$8.8 million from inmate emails and from their purchases of approved entertainment such as music, movies and e-books.

Officials with the state Department of Corrections and Community Supervision said the devices won't have internet access. All transactions will have to be done with the tablets connected to kiosks provided by JPay. Details such as where the kiosks will be located in prisons are still being worked out, DOCCS officials said Friday.

State corrections officials announced last month that the agency had awarded a contract to JPay to provide tablets to every prisoner, at no cost to taxpayers. As of

Friday, there are 49,900 inmates in state prisons, DOCCS officials said.

The 7-inch tablets will come downloaded with free educational materials. For emails and entertainment, the contract details how much JPay plans to charge inmates, whose online commissary accounts will be handled in a system being revamped by the company.

**J**Pay will charge 35 cents for every email sent, up to 5,000 characters. The cost of downloading entertainment will range from \$1 for a song to \$19.99 for an audio book.

Tablets already are being used by inmates in other states. Proponents say the devices can keep inmates linked to family members and provide more education options, vital components in preparing a prisoner for re-entering the community. ❖

## About Dying In Prison

by Keith Brown El

**T**he life expectancy of the average Missourian is 77.5 years. Of that average, it's 80.1 years for women and 74.9 years for men. For black women in MO, it is 77.5 years and for black men only 70.5 years. A period of incarceration can reduce the life expectancy of an individual by as much as 10 to 15 years.

Right now there is a bill in the Missouri Legislature (HB 1359) to create parole *eligibility* for certain prisoners 65 and over. (Parole eligibility does not mean that a prisoner who is 65 will automatically be paroled, only that some of them would have a parole hearing.)

In 2016 there were 34,000 people in the Missouri Department of Corrections. According to the 2016 Missouri DOC, 3,676 of them were 55 and over. Of the current 36,000 people in our DOC, the number (now 65 and over) is undoubtedly much less than 3,600. Due to mistreatment, poor food, poor medical care, constant neglect and hazardous living conditions such as asbestos and cancer-causing death fences, the odds are that only one or two out of every 100 people in the DOC are likely to live past the age of 65. If HB 1359 pass-

es, the best estimate would indicate that less than 73 people (out of the total of otherwise non-parolable prison population) would be eligible for parole. And of that number, 21 people (or 30%) might manage to get out of prison and still be in reasonably good physical and mental health.



Herman Wallace of the Angola 3 died of cancer 3 days after release following 41 years in solitary confinement.

For everybody else, that means that if you went to prison with a long sentence at the age of 17, the state is going to get 48 years of free slave labor out of you and then you will either die in prison or you will wait until you get too old, too sick, and too helpless to do anything for yourself and get dumped in the lap

of your family because you are no longer any good to the state.

**I** understand that no one wants to die in prison. But this is not to say that it's okay to keep me locked up in prison for most of my life until I'm ready to die and then release me. When a person is on their deathbed, it is time to think about making one's peace with the Creator. Therefore, I am more concerned about my quality of life and *where I live while I am alive* and in good health than

I am about where I am going to die. That has nothing to do with being "institutionalized;" it is simply being practical by not continuing to cling to a hope of receiving mercy from those who are merciless—or being kept in a perpetual state of what Malcolm X described as being "tricked," being "had," and being "bamboozled!"

If the word "corrections" means anything, people are sent to prison to be rehabilitated and then returned to society as soon as possible to begin living useful and productive lives. Keeping people locked up until they are so old that they are no longer capable of posing any kind of threat—or of having any kind of life—is a sad commentary on Missouri's miserable failure to rehabilitate.

**M**y point is that all of these efforts to pass bills that represent tiny reforms and do not affect the majority of prisoners will never solve the problem of mass incarceration. So many progressive people fight so hard for so many years for chump change. Meanwhile thousands languish behind bars without hope.

Acting tough on crime and the *lock 'em up and throw away the key* mentality are simply tools that politicians know they can always count on to generate a lot of conservative votes. In the long run, this ultra right-wing madness does absolutely nothing to actually benefit society. ❖

**Missouri CURE**  
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**Established 1990**

## ***Fight Mass Incarceration—and CURE the Madness!***

**Disclaimer:** The articles in this newsletter are for informational purposes only. Nothing in this newsletter is intended to “promote, incite or advocate disorder or the violation of state or federal law, nor to promote, incite, advocate, facilitate or otherwise present a risk of lawlessness, violence, anarchy or rebellion against a government authority”...or any of the other ridiculous excuses that the Department of Corrections frequently uses to reject Turning Point, the newsletter of Missouri CURE, simply because they don’t want prisoners to have access to the information we are trying to provide.



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Thank you all for helping us thrive.



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In this country they’re constantly trying to equate terrorism with Muslims, but according to 60 minutes on Sunday, December 17, 2017, 74% of terrorist attacks in the U.S. are created by white people from here, and the majority of terrorism is committed by white supremacists.