

Turning Point: The Newsletter of



Citizens United for
Rehabilitation of Errants

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From the Vice-Chairman:

by Keith Brown El

Slavery, Death and Mass Incarceration

When we think about the subject of slavery, people generally assume this refers to a period of American history that is prior to 1865. Some people mistakenly believe that slavery is now illegal in this country and has been for the last 150 years. Not true. Legal slavery still exists and is merely limited to people who are incarcerated—so says the 13th Amendment of the United States Constitution.

U.S. prisons currently hold 2.3 million people. This is one quarter of the world's prison population. In this country 51 percent of those now incarcerated are African-Americans, who only make up about 13% of the entire population. Today we have more people in prison than in the United States Military, more people in prison than in college, and more Black people in prison right now than the total number of African Americans held in captivity at any one time during the entire history of outright slavery.

Missouri, near the bottom of the list in quality of education (number 45 out of 50), is in the top 10 on the list of states with the highest rate of imprisonment. (See map on page 4.)

Even though racism is a gigantic factor in mass incarceration, imprisonment is by no means just a Black, Latino, or even a gender issue. At the present time there is nothing unusual or alarming about the trends of imprisonment where Whites are concerned, but as the system drains the ready supply of Black bodies, the raging monster of mass incarceration is turning into a beast that is beginning to reduce its focus on color. You see, too many big-money corporations have

large investments in this beast, which feeds on greed and wealth. Although men are the overwhelming majority of prisoners, women, denied equal pay for their work, are the fastest growing prison population. Latinos are the second fastest-growing segment. They make up 35% of the Federal prison population.

I Want You:



So if you are White and seeking to avoid imprisonment, you might do well to pay attention to these incarceration trends.

What are the causes, you may ask, of such high rates of imprisonment in the African American community? You may also ask why there is a disproportionate number of Black-on-Black homicides as well as killings of unarmed Black men by police and

security guards.

Judge Greg Mathis who served as an advisor on President Obama's Task Force (*Am I My Brother's Keeper*) reports that the commission made some interesting but predictable suggestions. The disproportionate rates of incarceration and killings of Black people by law enforcement and each other are due to:

- ◆ Poverty
- ◆ Lack of opportunity
- ◆ A failed education system, and
- ◆ A saturation of guns and drugs in our community.

This makes perfect sense, especially when it comes to Black-on-Black homicides, because people who suffer the first three kind of deprivations on a daily basis endure extremely high levels of stress. Add weapons and drugs to all this confusion and it becomes

See Slavery—page 4

Winter 2014-2015

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Note Our St. Louis
Address Above!

"Neither Slavery nor involuntary servitude, except as punishment for a crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction."

**13th Amendment of the
United States Constitution**

Missouri CURE

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- Bev Livingston, Mothers of Incarcerated Sons and Daughters (MISD)



Join our FAMILY!

Ashley Parker was born and raised in the Kansas City area and is currently studying at Texas Southern University in Houston TX. Her boyfriend has been incarcerated for almost 8 years. She joined the MO CURE Organization in 2013. After attending a meeting with MO CURE during summer 2014 in KCMO, she brainstormed ideas to become more involved in the fight to bring positive change to the criminal justice system in Missouri. With guidance from her boyfriend and his friend, they started the F.A.M.I.L.Y. Campaign (Fighting Against Mass Incarceration Laws Yearly). F.A.M.I.L.Y. wants to unify and educate family, friends and concerned citizens on the ineffectiveness of Mass Incarceration and mandatory minimums such as the 85% law. **F.A.M.I.L.Y. is currently taking donations to help us provide free bus transportation for the Lobby Day event this year from the STL and KCMO areas.** Together we are a family, fighting to reunite families. Ashley is faithful that positive change will come as organizations work collectively to end Mass Incarceration.

Please visit our webpage to make donations and/or purchase a support T-shirt for lobby day!

F.A.M.I.L.Y.
PO Box 88042
Houston, TX 77288
Email: 1family.campaign@gmail.com
<http://1familycampaign.wix.com/family>

Fighting Against Mass Incarceration Laws Yearly

Mission Statement

CURE believes that prisons should be only for those who **MUST** be incarcerated and that prisoners should have all the resources needed to turn their lives around. We also believe that human rights documents provide a sound basis for ensuring that criminal justice systems meet these goals. 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.

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 we cannot take on individual cases.

Food Stamp laws in Missouri have changed!

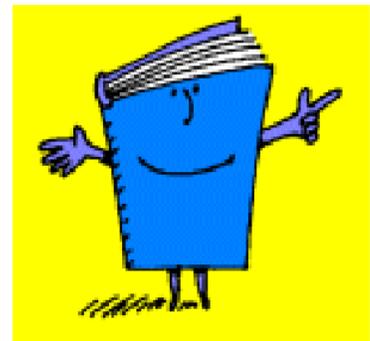
If you have a prior drug conviction, you may now be eligible for food stamp assistance. To find out, do one of the following:

- ◆ Visit your local Family Support Division Office (find it at <http://dss.mo.gov/fsd/office/>)
- ◆ Call 1-855-373-4636
- ◆ Download the application: <http://dss.mo.gov/fsd/formsmanual/pdf/fs1.pdf>

Writing a Book?

Prisoners wishing to have their books published should write to Prisons Foundation, P.O. Box 58043, Washington DC 20037 for more information. The Prisons Foundation is a nonprofit organization founded by ex-prisoners. It reaches out to imprisoned artists whose art we exhibit and sell at our numerous affiliated art galleries, to imprisoned playwrights whose work we present at the Kennedy Center, and to imprisoned authors whose books we publish.

Information is available online at <http://prisonsfoundation.org/>.



The Power of Unity

by David Ware, SECC

What exactly is Unity? I hear a lot of people talk about this five-letter word, but what does it really mean? Depending on whom you ask and what group of people they may be connected to, it can mean a whole lot of things, but the American Dictionary of the English Language defines Unity as “The state of being one, agreement, uniformity, etc.”

On November 12, 2014 a banquet was hosted by us members of the SECC NAACP prison branch. The guests attending this event included Rev. Elston McCowan, Missouri Prison Project Coordinator, and Ronald Jones, a member of the NAACP and proprietor of several businesses in the St. Louis area. Mr. Jones spoke on Unity and being devoted to a single cause.

His speech focused on being committed to the work of acquiring our freedom from prison. He talked about his own fight for freedom, after being wrongly accused and thrust into a federal prison. His speech on Unity spoke the most to me out of all that was said that night. He spoke about how there is a lack of unity among prisoners on many levels, but especially when it comes to the cooperative work of gaining our freedom from incarceration, so that we can return home to our loved ones. I began to think about some of the reasons why we are so divided when it comes to the things that matter so much to all of us. As Mr. Jones continued to speak, I came to realize one thing that we all have in common.

Each one of us wants to go home to our family and children. Yet it seems as though we can't get it together and pull together for the one thing that means the most to all of us--Freedom! So I searched my thoughts, looking for all the reasons why we can't come together and work as one people towards one common goal, our liberty from prison. I thought about the Ferguson situation and the tragic death of Michael Brown at the hands of injustice and a corrupt county government, a government that protects its own yet exercises the highest degree of punish-

ment on those not a part of their agency.

The one thing that made this writer the proudest was when the people of Ferguson unified themselves as one people to speak out against the unlawful use of force that took this young man's life. Those that came together did so as one, with one voice. Giving no regard to the color of the skin of the person standing next to them, the one and only thing that was on the mind of each one of those involved in this cry for justice was justice itself.

If you watched all the news stations that reported this chain of events, you would have observed all nationalities of people voicing their concerns pertaining to this matter. Their unity sparked people from all over the world to join with them and say, where is the justice for the common man? More than just a race issue, this was viewed as a common concern, something that affected them all in some way or another. The reality of this tragedy that took place in Ferguson and the unification of all those world-wide in a plea for Justice for Michael Brown and his parents brought me to the one main point as to why we as prisoners won't come together and put our voices together as one—RACE! This is the one dividing factor that keeps those of us in prison from pooling our resources and using them to help us all return to our families.

Just like the people of Ferguson came together and caught the attention of the people worldwide, I believe that if we were to come together in peace we might just have a similar reaction. Just maybe we can cause people to get behind our cause if they come to understand the injustice of the laws that put us here for more time than it should have.

Yes, we may have committed crimes that put us here and some of these crimes may be serious, but we should value ourselves enough in spite of that to say that we deserve another chance to prove that we can be productive citizens in society. Fighting mandatory minimum sentences is one way to do this.



My plea to all of us is that we put our differences aside and work together toward freedom. We can act now or allow ourselves to be here for life and let the rich and the powerful continue to warehouse us in these prisons while they fatten their bank accounts. I could die happy knowing that I tried to do all I could to gain my freedom, rather than with a lot of regret because I sat back and did nothing.

Let me say here to all of my White brothers and sisters that the NAACP is not a Black organization! We are an organization that fights for the civil rights--the human rights--of all people regardless of color or creed. The NAACP organization is made up of all nationalities, not just one race of people.

Look, people, we have been divided long enough and it's time we come together for us and for our loved ones. The race card is keeping us crippled and it's doing none of us any real justice at all.

We are more effective together than we are apart. As long as we remain apart, they win and we lose and remain in prison separated from all we love. Think of the price and the cost you and your family paid and continue to pay. Will you allow race to keep you in prison or will you put away your race issue long enough for all of us to help each other obtain our freedom? ♦

In Memoriam:

Michael Quinn passed over on January 7 due to illness after decades spent in prison and denial of medical parole. Rest in Peace, old friend.

Keith Brown El

Prisoner CURE Members:

It has come to our attention that a number of you did not receive the last issue (Autumn 2014) of Turning Point. If you have not received yours, please file a grievance. We were told by DOC that such complaints must go through the grievance procedure in order to be rectified.

Slavery—from page 1

a perfect recipe for murder and self-genocide. Isn't this in itself another form of slavery?

Another reason for such high rates of deadly violence in the Black community has to do with media glorification of the gangster-rap culture. This plays out in music and movies which purport to give our young brothers and sisters "a street education" but are actually designed to put images and ideas in their heads that are just setting them up to get killed or go to prison. Many of our young brothers and sisters don't seem to realize that Hip Hop and gangster rap are two different things.

I already know that some young people will be critical of these comments and disagree with me. But consider this: **Some of the most vehement lovers and defenders of gangster-rap music are the ones in jail with the longest prison sentences.**

Even Tupac Shakur explicitly stated to the media at one time, "I am not a gangster rapper." On several occasions he expressed his frustration with people who tried to confuse his *stage image* with who he was in real life.

Tupac was one of the most influential rappers of all time. Young people still recognize that the messages in his music and his public statements are relevant to this very day. And this belies the assertion of some rappers that music with a positive message does not sell.

Perhaps those messages are even more relevant today when one considers the epidemic of violence being committed against unarmed black people by white law enforcement officials and attempts by the media to suppress news about people's protest over this.

All you need to do is listen to the words in the Song "Holler if You Hear Me," (which are too graphic to be quoted here) and you will see that 18 years ago Tupac actually foretold of many things that are taking place right now and what we should be doing about it.

It is no coincidence that positive and fun-loving rap music has been suppressed and silenced by the media. It is

no coincidence that everybody who used to be famous for this genre at one time is either dead, has been driven into retirement, or is currently trying to pursue another profession. Among these celebrities are Tupac Shakur, Gil Scott-Heron, Heavy Dee and the Boyz, Grand Master Flash and the Furious Five, Public Enemy, Who Dini, Kurtis Blow, The Gary Bird Experience, Cool Mo Dee, Digital Underground, Boogie Down Productions, Queen Latifah, LL Cool J, D.J. Jazzy Jeff, and the Fresh Prince.

To all young Black people who choose to worship the media as your god, you should also know that many of

future if police officers have better training.

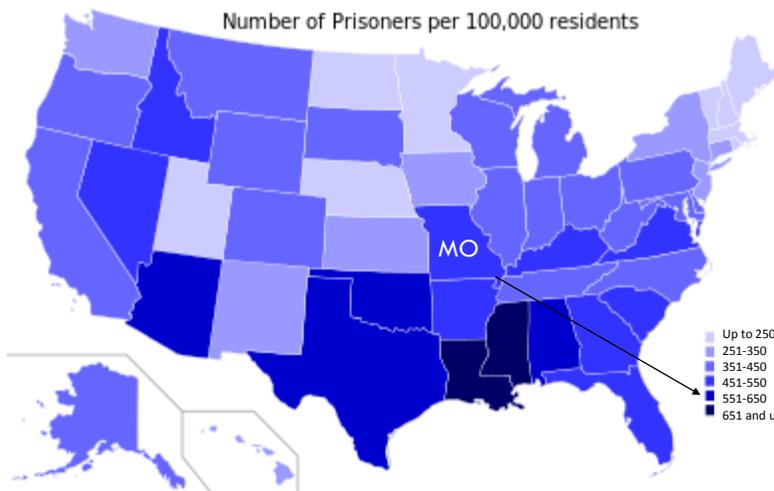
Unfortunately, the attitude of many police officers is that they are above the law and whatever they say *is the law*. If an incident ensues it does not matter what *really happened* because whatever the cops choose to tell the judge and the jury is the only thing that will be believed.

This is the same attitude that many prison guards have towards inmates. And society has tolerated this attitude towards prisoners for so long until it has become acceptable even outside of prison for law-abiding citizens to be treated the same way. Therefore police officers think they can literally do anything they want to other people without any fear of consequences.

According to Judge Mathis, the Presidential Task Force observed that the "Negative interaction between law enforcement and communities of color also promotes distrust on both sides."

Incidents occur on a daily basis where police officers just open fire on unarmed citizens for no apparent reason, even when people try to comply with their demands. This is why some young Black people feel that they are probably going to be killed or severely beaten no matter what they do when they are confronted by a police officer who has his or her weapon drawn. The younger generation of Blacks is not like the older generation. If they think they are going to die anyway, they may well choose to die fighting. Since they usually don't live long enough to go to court and tell the jury or the judge what really happened, the officer's side of the story is the only one that gets heard. If the victim does survive, he or she is most likely imprisoned and the truth is not believed.

Police officers are supposed to uphold the law and they should be held even more accountable than anyone else when they break it. But that won't happen as long as we keep living in a society where media and public concern about the amount of air pressure in a football trumps concerns about real injustice. ♦



the record companies which promote gangster rap music are also some of the biggest investors in private prisons. Why? Because they already know what their merchandise is designed to produce.

What you need to understand is that you are not in prison because you are a gangster or a born criminal--you are in prison because society did not give you the same opportunity that it gave to other people to make a decent life for yourself. Your environment made you feel that in order to survive you had to steal, you had to rob, and/or you had to go out and sell drugs. And if somebody got in your way they had to be removed one way or another.

People throughout the world have condemned the United States for mass incarceration and the indiscriminate killings and other police violence against citizens in this country, particularly unarmed Blacks. Even Missouri Governor Jay Nixon recently acknowledged that situations like the one in Ferguson can be avoided in the

42 Years in Solitary—and Counting! *by Hedy Harden*

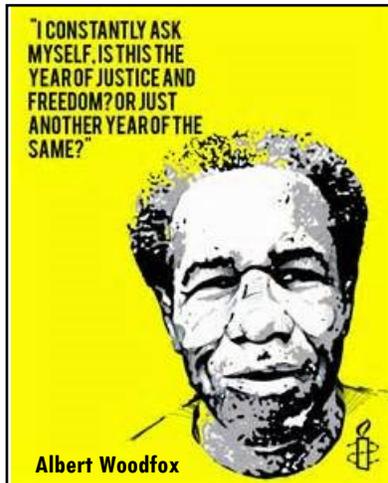
Together the Angola 3 have spent 112 years in Solitary Confinement, housed separately in 9x6 cells on the former slave plantation known as the Louisiana State Prison. The prison is called Angola because of the Homeland of the slaves who originally worked the fields. It's also known as "The Farm" because the modern-day slaves, 6,000 of them, 80% black, still work up to 16 hours daily in fields of sugar cane, cotton, soybean and corn.

Herman Wallace, Robert King and Albert Woodfox all were sent to prison in 1971 for armed robbery. On the day of his sentencing in New Orleans, Albert Woodfox escaped from the courthouse and fled to Harlem, where he came into contact with the Black Panthers. He was impressed with their unity and by what they were doing for the Black community. He was caught and returned to jail in New Orleans, where he met Herman Wallace, and the two became friends with a common interest in the Panthers. Transferred to Angola, the

two met King and the three men began organizing for better conditions.

In 1971 a guard at Angola was killed with a lawn mower blade during a prisoner work strike. The Angola 3, Herman Wallace, Albert Woodfox and Robert King, were targeted because they fought steadfastly for prisoner rights, against mass incarceration, and against solitary confinement as a punishment.

No physical evidence linked any of the 3 to the crime, yet all were convicted by an all-white jury in 1973. Witness testimony was later recanted or discredited and DNA evidence lost.



Robert King was 150 miles away in another prison at the time the crime occurred, yet he was accused of conspiracy, for which he served 29 years in solitary. He was released in 2001.

Herman Wallace was released in 2013 only 3 days before his death due to advanced liver cancer. He had spent 41 years in solitary.

Albert Woodfox' conviction was first overturned in 1993, but appealed. It was again overturned in 2008. Once again the state appealed. After 42 years in Solitary Confinement Woodfox' conviction was again overturned on December 4, 2014. Shackled and chained, he needed help turning the pages of the appeals court decision. At age 67, Woodfox is the longest known person held captive in solitary confinement in U.S. History. He remains in solitary today without a release date.

"I feel like I am being smothered, it is very difficult to breathe, and I sweat profusely. It seems like the cell walls close in and are just inches from my face. I try to cope by pacing, or by closing my eyes and rocking myself."

This was stated by Woodfox in a 2008 document describing the anguish of being locked in such a small space day after day and year after year to silence him as a member of the Black Panther Party and leader among the prisoners at Angola.

King has remained active and is now in Sweden representing Amnesty International, where Swedish artist Meja has launched a new song called *Yellow Ribbon* to help seek justice for Albert Woodfox. ❖

Legislative News

by Hedy Harden

It's early in the session, which just started January 7, but there are some important criminal justice bills being presented. On the next two pages, we're providing summaries of the bills we believe are of greatest interest to prisoners.

Two bills have been filed in the House to reduce the mandatory minimum from 85% to 50% for first-time offenders. **HB 491** sponsored by Democratic Rep. **Keith English** is identical to HB 752 and HB 1318 that were filed by the late Rep. Rory Elinger in 2013 and 2014, respectively. However, **HB 657** sponsored by Republican Rep. **Don Phillips** pertains only to those sentenced for arson, assault and robbery.

Senate Bill 189 sponsored by Democratic Sen. **Kiki Curls** "Provides

a process for the Parole Board to review the case histories of offenders serving more than 15 years in prison and recommend clemency or allow release on parole." This includes sen-



tences of Life without Parole (LWOP).

House Bill 344 by Republican Rep. **Mike Lair** would authorize the early parole of

certain offenders over the age of 65 (geriatric parole bill).

Two bills address Juvenile LWOP.

House Bill 156 by Democratic Rep. **Kim Gardner** "Changes the laws regarding penalties for first degree murder when the person is under 18 years of age at the time the offense was committed." **Senate Bill 280** by Democratic Sen. **Joe Keaveny** "Modifies the punishment scheme for juvenile offenders of first degree murder and provides a petition process for juvenile offenders currently serving life without parole." Senator Keaveny's, being retroactive, is the better bill.

Several bills address the death penalty. **HB 420 (Kirkton)** and **HB 772 (Berry)** would abolish capitol punishment, while **HB 561 (Rizzo)** would put a moratorium on executions. ❖

2015 Criminal Justice House Bills				
HB	Sponsor	Description	Status	CURE
62	Walton Gray, Rochelle	Requires any officer-involved deaths to be investigated by a law enforcement agency that does not employ a law enforcement officer involved in the death being investigated	1/20/2015 - Referred: Public Safety	S
106	Pace, Sharon	Allows misdemeanor offenses for stealing to be expunged	1/28/2015 Public Hearing Completed	S
156	Gardner, Kimberly	Changes the laws regarding penalties for first degree murder when the person is under 18 years of age at the time the offense was committed	1/8/2015 Read 2nd Time	S
166	Ellington, Brandon	Allows marijuana convictions to be expunged for certain persons contingent upon the passage of a constitutional amendment or other statutory enactment legalizing marijuana	1/8/2015 Read 2nd Time	S
167	Ellington, Brandon	Removes the statute of limitation for certain actions to recover damages regarding child abuse and sexual offenses committed against a child and allows prosecutions for child abuse to be commenced at any time	1/8/2015 Read 2nd Time	O
170	Ellington, Brandon	Specifies that a person applying for state employment, public assistance, or state housing assistance cannot be required to disclose any prior nonviolent felony plea or conviction with certain exceptions	1/8/2015 Read 2nd Time	S
178	May, Karla	Changes the laws regarding arrearages and the expungement of certain records related to criminal nonsupport	1/8/2015 Read 2nd Time	S
"S" means Missouri CURE Supports; "O" means we Oppose the bill.				
201	Morris, Lynn	Changes the laws regarding the sale and possession of controlled substances	1/20/2015 Referred: Civil & Criminal Proceedings	O
291	Kelley, Mike	Changes the laws regarding the death penalty	1/8/2015 Read 2nd Time	O
292	Kelley, Mike	Requires a convicted sex offender to be told of his or her obligation to register as a sex offender both prior to release or discharge and at the time of adjudication	1/27/2015 Referred Civil & Criminal Proceedings	S
293	Kelley, Mike	Requires the Missouri Supreme Court to conduct a review of all death penalty cases within 30 days and to set a date for execution to occur within 60 days of its review being completed	1/8/2015 Read 2nd Time	O
300	Hicks, Ron	Changes the definition of "adult" to a person 18 years of age or older and "child" to a person under 18 years of age for purposes of juvenile court jurisdiction.	1/27/15 Referred Consumer Affairs	S
334	Barnes, Jay	Specifies that each county shall have a written policy regarding the investigation and prosecution of the death of an individual that results directly from an action or omission of a law enforcement officer.	1/21/2015 - Referred: Public Safety	S
344	Lair, Mike	Authorizes the early parole of certain offenders over the age of 65	1/8/2015 Read 2nd Time	S
373	McGaugh, Joe Don	Allows certain persons who have lost the right to possess firearms to have their rights restored under certain circumstances	1/8/2015 Read 2nd Time	S
395	Peters, Joshua	Establishes the End Racial Profiling Act of 2015	1/12/2015 Read 2nd Time	S
398	Peters, Joshua	Prohibits texting while operating a moving motor vehicle by drivers of all ages	1/12/2015 Read 2nd Time	S
420	Kirkton, Jeanne	Abolishes the death penalty and specifies that any person sentenced to death before August 28, 2015, must be sentenced to life imprisonment without parole	1/12/2015 Read 2nd Time	S
431	Rowland, Lyle	Allows an owner of property damaged during service of process to recover reasonable reimbursement costs associated with the property from the Crime Victims' Compensation Fund	1/12/2015 Read 2nd Time	S

2015 Criminal Justice House Bills				
HB	Sponsor	Description	Status	CURE
491	English, Keith	Changes the minimum sentencing requirements for felons who have no previous prison commitments and are first-time dangerous felons	1/14/2015 Read Second Time	S
500	Peters, Joshua	Establishes state offenses for acts against officers of the state which are similar to federal offenses for acts against federal officers	1/14/2015 Read Second Time	O
561	Rizzo, John	Establishes the Task Force On the Death Penalty	1/21/2015 Read Second Time	S
602	Pierson, Tommie	Modifies provisions relating to the use of force by a law enforcement officer	1/22/2015 - Read Second Time	S
620	Walton Gray, Rochelle	Allows certain incarcerated parents to petition the court to delegate visitation time and access to a family member or other person with a close and substantial relationship to the parent's minor child	1/22/2015 - Read Second Time	S
657	Phillips, Don	Requires first-time offenders of certain dangerous felonies to serve a minimum of 50% of their sentence	1/26/2015 Read Second Time	S
HJR 15	Ellington, Brandon	Proposes a constitutional amendment legalizing marijuana use for persons 21 years of age or older	1/8/2015 Read Second Time	S
HJR 17	Ellington, Brandon	Proposes a constitutional amendment repealing the authorization for convening of grand juries	1/27/15 Referred Civil & Criminal Proceedings	S
2015 Criminal Justice Senate Bills				CURE
SB	Senator	Description		S/O
42	Nasheed	Modifies the provision allowing law enforcement officers to use deadly force in certain circumstances		S
44	Nasheed	Prohibits employers from inquiring into or considering the criminal records of applicants before offering a conditional offer of employment		S
60	Chappelle-Nadal	Creates the crimes of failing to stop illegal weapon possession, negligent storage of a weapon, and failure to notify a school of weapon ownership		O
76	Sifton	Requires every individual who is 17 years old or older and arrested for any felony offense to provide a biological sample for DNA profiling		O
100	LeVota	Expands the list of offenses eligible for expungement and requires courts to accept certain petitions for expungement under seal and to close hearings on those petitions		S
120	Walsh	Requires law enforcement agencies to adopt written policies for investigating officer-involved deaths and modifies provisions related to victims' rights		S
158	Schaefer	Adds a statutory aggravating circumstance for murder in the first degree for certain acts of terrorism		O
165	Nasheed	Creates a petition process for the expungement of records relating to certain criminal offenses		S
188	Curls	Requires the Department of Corrections to increase the number of prisoners who earn GEDs and provide certain job-related training programs		S
189	Curls	Provides a process for the Parole Board to review the case histories of offenders serving more than 15 years in prison and recommend clemency or allow release on parole		S
199	Dixon	Repeals a provision of law that allows a law enforcement officer to use deadly force when the suspect has committed or attempted to commit a felony		S
200	Dixon	Modifies provisions related to first degree murder		O
213	Wallingford	Requires children under the age of 18 to be prosecuted for most criminal offenses in juvenile courts unless the child is certified as an adult		S
240	Keaveny	Requires the State Auditor to make a one-time report on the costs of administering the death penalty		S
256	Sater	Establishes a pilot program allowing noncustodial parents to reduce the amount of state debt owed		O
269	Nasheed	Prohibits the use of restraints on children under the age of 17 during court proceedings except in certain circumstances		S
280	Keaveny	Modifies the punishment scheme for juvenile offenders of first degree murder and provides a petition process for juvenile offenders currently serving life without parole		S
SJR 7	Richard	Establishes a constitutional limit on punitive damages		S

January 29, 2015: Up to the Minute Juvenile Justice News

More Miller Developments

by Mae Quinn

Finding that children are vastly different from adults in their moral development, vulnerability to negative influences, and amenability for change, in 2012 the United States Supreme Court struck down mandatory life without parole sentences for juveniles under the age of 18. *Miller v. Alabama* held that youth under 18 may not receive automatic death in prison terms, but must be given individualized sentencing hearings at which their youthful characteristics are considered.

Since *Miller* was decided, the vast majority of states to consider the question have determined *Miller's* rule should apply not only to future juvenile defendants but to children who are currently condemned to die behind bars. The state high courts of Illinois, Nebraska, Iowa, Mississippi, Texas, New Hampshire, Massachusetts, and Wyoming – as well as most federal courts - have all said that *Miller* has such retroactive effect. Only a small minority of states have found that currently incarcerated child offenders should not get a chance for a second chance.

To definitively resolve the question, on December 12, 2014, the United States Supreme Court accepted the case of *Toca v. Louisiana*. Days after the Supreme Court took certiorari in *Toca*, the Missouri Supreme Court removed from its argument calendar four cases earlier selected to resolve the retroactivity question for the 80 or so *Miller*-impacted inmates in

Missouri.

However, today word went out that Mr. Toca resolved his case by agreement and will be released. As reported by The Advocate (<http://theadvocate.com/news/neworleans/11462053-148/george-toca-louisiana-inmate-at>), the prosecution has agreed to vacate his murder conviction, allow him to plead guilty to robbery, no contest to manslaughter, and receive a sentence of time served. After approxi-



mately thirty years in prison, Mr. Toca who was imprisoned when a child will emerge from prison a free man this week – offering an important example to other state prosecutors of how these matters can be resolved short of litigation.

Assuming Mr. Toca's case is now removed from the United States Supreme Court calendar, it seems likely that the Missouri Supreme Court will move forward with the cases put on

hold last month. In fact, those cases have been almost fully briefed, including by numerous amicus groups – like the Catholic Conference and Korematsu Center for Law and Equality - who support retroactive application of *Miller* in Missouri.

It would seem prudent for the Missouri legislature to defer any further *Miller* implementation efforts to allow our state's high court to address this important impending constitutional question, which could easily happen before the summer. Or, where possible, state prosecutors should follow the example of *Toca* to reevaluate and informally resolve the cases of Missouri's *Miller*-impacted youthful offenders. In fact, practical prosecutors have been doing just that – including Jennifer Joyce of St. Louis who agreed post-*Miller* to a 20-year prison term and release in the case of Anthony Williams, who was imprisoned in 1995 at the age of 14.

Currently, Mr. Williams is successfully reintegrating while serving as a legal assistant in St. Louis. He also served as an amicus signatory in the cases currently on hold before the Missouri Supreme Court, urging review and the chance at a second chance for all Missouri youth who have been sentenced to die behind bars. ❖

Mae Quinn is a Professor of Law & Director of the Juvenile Law and Justice Clinic at Washington University School of Law in St. Louis.

Empower Missouri, formerly MASW, holds January Meeting in Jefferson City

The Criminal justice Task Force discussed the following topics:

- ◆ **Ban the Box** coalition that will work on passing a statewide ban as passed earlier locally in Kansas City MO.
- ◆ **Mandatory Minimum Legislation** that has been filed in MO.
- ◆ **Parole report:** A report on the parole board is almost finished and is expected to be used to get a bill filed. One recommendation is to professionalize the parole board, having certain educational requirements.
- ◆ **Committee for Prisoner Rights** in St. Louis seeking to create a local law that would require reporting of abuse that happens in the jail as is the case for state prisons. It is a first step to address the lack of jail oversight.
- ◆ **Juvenile Justice:** Sen. Wallingford and Rep. Hicks have both sponsored bills this year (SB 213 & HB 300) that would raise the age from 17 to 18 for automatically being considered an adult.
- ◆ **Food Stamp Ban Flyer:** Empower Missouri has created a flyer to get the word out about modification of Food Stamp laws for people with a drug-related felony.
- ◆ **Death Penalty:** A press conference and rally was held at the capitol on January 21 for a bill (HB 561) to put a Moratorium on the Death Penalty). The next execution, of Walter Timothy Storey, is scheduled for February 11.

Next meeting will be at the Capitol at 10:00 AM on March 11th (Lobby Day) in Hearing Room 1.

The New Quick Fix – or the GOOD, the BAD and the UGLY

by Angelika Mueller-Rowry, MSW, QMHP

A Federal lawsuit in North Carolina that addressed abuse and deaths in solitary confinement as well as a recent settlement between the Disability Rights Network and DOC in Pennsylvania may also give us here in Missouri more leverage. The list of complaints that prisoner mental health advocates of Charlotte gave legislators could easily come from our state: “Prisoners with mental illness receive medicine inconsistently, are more likely to break rules and be punished, do not have adequate therapy or monitoring, and are not properly screened when they arrive.”

Yes, mentally ill prisoners need treatment, medication and humane living conditions that do not exacerbate their illness. Yet: to focus ‘policy overhauls’ only on the mentally ill conveniently ignores the much larger problem of generally prevalent inhumane prison conditions, such as arbitrariness, abuse and medical neglect.

It’s an attempted QUICK FIX.

The sudden focus on mental illness in this country should be viewed with caution, since it is directed toward an image of angry young, mostly black and brown men who don’t give a “expletive” about the rest of the world since the rest of the world doesn’t give a damn about them.

This is not new. In the Civil Rights Era of the 1960’s the diagnosis of schizophrenia miraculously changed from a white, disoriented/meek housewives’ illness to a ‘black disease’ associated with violence and paranoia.

Since about a couple of years another paradigm change has been in the making. There is a TRIAGE happening in the community: a division into the GOOD, on whose shoulders society rests, the BAD, who suffer from exposure to societal wrongs to a degree that they

become mentally ill and/or dysfunctional, and the UGLY, who turn their suffering against others and/or into breaking the law and end up in prison.

With these so-called landmark settlements, TRIAGE apparently has scaled the prison fences, with the GOOD being the well-adjusted inmates who cause no problems, and the BAD the mentally unstable, who are kind of flawed but can’t help it since they are ill. This leaves the UGLY, who nobody gives a damn about, nor can deal with, since they are ‘defiant’ and ‘incorrigible’, therefore deserve doing their time in the ‘hole’.

So, who are considered to be ‘mentally ill’?

- ◆ People with prior psychiatric diagnosis. – They do not need ‘policy overhauls’. They don’t belong in prison. Period.
- ◆ People who acquired symptoms of a mental illness while incarcerated. I can identify 3 kinds:

1. Those who become depressed and/or anxious due to the simple fact of being imprisoned and the conditions they face and/or the length of their sentence. On occasion, they might end up on suicide watch, then most are likely voluntarily medicated.
2. The ones who experienced even more severe trauma, not protected from abuse by other inmates and/or prison staff. They might end up on suicide watch and/or in P/C or even dis/seg, probably more often than not voluntarily medicated for the remainder of their prison term.
3. The ones who ‘act up’ and ‘act out’ (another way of dealing with depression, by the way), who end up in endless or revolving-door segregation, more often than not misdiagnosed and involuntarily medicated for the remainder of their prison term.

Commentary in the PA settlement states that “In many cases, such inmates were confined to RHU (Restricted Housing Units) for months and even years for actions directly attributable to their serious mental illness”.

Now, talking illness, in my view it’s not the so-called ‘Axis 1’, the primary psychiatric diagnosis, that causes prisoners to end up in solitary confinement, unless they receive inadequate treatment. It’s usually ‘Axis 2’, what is called ‘Personality or Behavior Disorder’. That’s when #2 and #3 come into play, causing real, or only perceived and arbitrary diagnoses, caused by the experience of institutional neglect and abuse.

These ‘disorders’ (assuming they are real) do not respond to medication but benefit from appropriate therapy (Dialectical Behavioral Therapy, Cognitive Behavioral Therapy and Trauma Therapy are the most effective). The problem is that these therapies are unavailable in prison. – So, what to do with the “UGLY”? Instead of giving them the opportunity to heal and rehabilitate themselves, prisons often simply let them rot in the hole.

Your feed-back and comments are welcome! Missouri CURE Prisoner Health Committee continues to collect, document and address cases of egregious harm resulting from medical/psychiatric malpractice, abuse and neglect. Share your story. ❖

Ed: Angelika Mueller-Rowry (Angie) is the Coordinator of Missouri CURE’s Prisoner Health Committee.

CURE Outreach Committee

A 5-member Outreach Committee has formed as part of Missouri CURE in the Kansas City area. Led by Alton Perkins Bey, the committee has been meeting every two weeks and has some great ideas. They have met with other organizations and have begun tabling at events such as the MLK celebration, getting the word out about CURE. A fundraising takeout dinner is expected to be held sometime in the future. Committee members also include Kim Curry, Gene Dudley, Stephanie Charles and Jeff Humfeld.



Missouri CURE
P.O. Box 28931
St. Louis MO 63132



Help End Mass Incarceration—and CURE the Madness!

Thanks to the following for their kind donations: Gudran & Gerd Engelbrech (of Germany), Troy Fenton, Maureen Flynn, Tanner Forey, Damarquis Gill, Polly Guidorzi, Steven Hoffman, Timmy Jackson, Curtis Johnson, Fredrico Lowe-Bey, Timothy McGuire, Wiley Miller, David Orr, Shirley Paschal, Teri Powers, and Alden Redfield. Special thanks to Erin Burroughs for her wonderful gift of \$400.00 and to Moberly NAACP for their generous gift of \$150.00. We appreciate you all!

Missouri CURE will meet in Kansas City MO from 6-8 PM
at the Lucille Bluford Library, 30th & Prospect, on
Monday March 16 and Monday April 20.
Our February meeting date is not yet confirmed.
All are welcome! Call 877-525-CURE for more information.

Family United Transportation Service

announces its newly expanded service from **St. Louis** to Missouri prisons. Following are facilities served and prices:
BCF \$50, CCC \$60, CRCC \$75, ERDCC \$30, FCC \$35, JCCC \$50,
MCC \$55, NECC \$45, PCC \$40, SCCC \$50, SECC \$55, TCC \$50,
WERDCC \$45, WMCC \$75, WRDCC \$85.
Call **816-533-5622** for further information or go to
www.familyunitedtransportation.com
Family United Transportation Service, POB 11904, KCMO 64138.
Audra McLeod, Founder & Owner:
Our mission is Keeping Families Connected!

Save the Date: Lobby Day 2015

Criminal Justice Lobby Day will be Wednesday, March 11. We will meet in Hearing Room 1 of the State Capitol at 10 AM. CURE will be lobbying legislators in support of bills to end Mandatory Minimum sentences such as LWOP and 85%. The FAMILY campaign (page 2) hopes to provide free bus service from St. Louis and KCMO. Please contact CURE at 877-525-CURE (2873) if you would like to attend. In Kansas City call Keith at 816-377-CURE (2873).

Join Missouri CURE!

Date _____

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