



LOUISIANA CURE

CITIZENS UNITED FOR REHABILITATION OF ERRANTS



SUMMER 2007 Newsletter CURE Celebrates Twenty Years! 1987 – 2007

Due Process and the Fundamental Right to a Fair Trial in Louisiana The Louisiana Public Defender Act of 2007

By George Steimel

The 2007 regular legislative session didn't result in the passage of a large number of bills to help people who are accused of crimes or even people who have been convicted of a crime. There was one bill that in my mind trumps every bill that passed this session. HB 436 by Rep. Martiny will have the most profound effect on the future of our criminal justice system. It would be difficult to tell you everything that has led up to the passage of HB 436 (Act 412), the Louisiana Public Defender Act, which provides for a uniform public defender system. What is more important is how it will help those who are poor, accused of a crime, and can't afford a lawyer.

Most people who have been convicted of a crime and are under the supervision of the Dept. of Corrections were represented by a public defender. Now, that is not to say that these lawyers who are public defenders do a bad job at defending their clients. The truth is many people who are accused of crimes simply can't afford the cost of a lawyer. The fact is for too long these men and women had been doing the impossible job of defending too many people with too little resources. It was the equivalent of bringing a knife to a gun fight.

The new law provides for more money, a uniform standard for representing people who are accused of a crime, investigators who work independently of law enforcement, and training to stay abreast of the latest techniques for criminal defense lawyers. These new edicts along with a true commitment of reform will bring hope that poor people will have a fighting chance when they are accused of a crime.

The basic principals of due process and the fundamental right to a fair trial have been around for a long time. It's that we as a people, both conservative and liberal, have learned we all want the same thing. Without these basic principals, without the truth and justice, no one is safe from tyranny.

We may have, by law, a system that is accountable, but is it dependable? Many of these same people who had fought hard to pass this new law will be committed in seeing that this will bring about real change. Like you, there are people who want justice to take place in our state.

You will have a chance to help make sure that these kinds of changes will take place. Don't be disenfranchised when it comes to your right to vote. We all have a voice and I encourage everyone to register and to vote during this election year.

CURE is a membership organization of families of prisoners, prisoners, former prisoners and other concerned citizens. CURE's two goals are to use prisons only for those who need to be in them and for those who need to be in them, to provide them all the rehabilitative opportunities they need to turn their lives around.

PUBLICATION NOTICE

This newsletter is a publication of Louisiana CURE. Louisiana CURE is a non-profit organization whose goal is to reduce crime through criminal justice reform.

The opinions and statements contained in this newsletter are those of the authors and do not necessarily reflect the views of the Board of Directors of Louisiana CURE.

Contributions of articles, letters to the editor, notices, etc. are welcome, but may be edited or rejected for space considerations.

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State Louisiana CURE meetings are held at the Bishop Tracy Center at 1800 Acadian Thruway in Baton Rouge the second Tuesday of each month from 7-9 p.m. Both members and non-members are welcome at all meetings.

Memberships and inquiries can be sent to:

Louisiana CURE
P.O. Box 181
Baton Rouge, LA 70821

CURE is a 501(c)3 organization

CURE is a volunteer organization. Letters are answered by volunteers. We appreciate the letters you send and do read them. We may not be able to answer them all, but we are interested in hearing from you and will do our best to address your issues and concerns, either by writing back, through our newsletter, or by taking other action.

Please do not send legal documents to CURE. CURE does not offer legal services.

Sidetracked but not Hindered

Checo Yancy, CURE Pres.

The one thing I am convinced of and that is that God has a plan and purpose for every life.

May 4 – 7, 2007, Louisiana CURE, along with other state chapters from around the country had the opportunity to attend the International CURE Board meeting in Leavenworth, Kansas. The topic, **“Innovative and Cost Effective Programs to Reduce Recidivism: Earn to Learn to Not Return!”** The focus was to help those in prison prepare for life after prison. Our group got the chance to tour programs that are working, real rehabilitation. It would be great if Louisiana would explore this path.

Other discussions included prison telephones and the high cost to families, sex offender laws, and reentry and the new national Walsh Act, medical experiments involving prisoners, inside prison issue chapters, the Second Chance Act, federal parole and updates on death penalty information. Overall it was a very informative board meeting. There were two foreign countries in attendance.

Now back to Louisiana, we have a new website up and running, www.curelouisiana.org, a new chapter in New Orleans and a new community organizer for that area, a new editor and layout person for the CURE newsletter and a support group in Marrero. We are currently working on several focus points for Louisiana CURE and partnering with other groups who want to make a change in the current criminal justice system.

This past legislative session was not a complete failure. A lot of hard work was done by several CURE members and several things were accomplished. During this time, CURE and other groups also discussed:

- Unity
- Educating families
- Dedication
- Harmony
- Citizen participation

We all agreed that without any of the above we could not properly work for those we all represent, those that cannot help themselves. This is not an easy roadmap, but it can be done. We may disagree on some things, but none of us have the luxury to give up. Next session we have to work even harder to get the juvenile lifers’ bill passed, parole eligibility for lifers, and workable reentry programs for those who are released.

Louisiana CURE will be involved with the upcoming Governor’s election, by attending the forums and hopefully we will be able to partner with organizations so we can be at the table when decisions are made concerning the criminal justice issues. (*cont’d next page*)

Sidetracked but not Hindered

(cont'd from page 2)

One major change did occur; the legislators did pass the Louisiana Public Defender Act, which will provide a better public defender system for those that cannot afford to hire an attorney. Another victory, House Bill 845 was vetoed; it would have required additional cost for persons placed on parole.

Remember, there will be major changes in the next legislative process. Register to vote, so when it comes to Election Day, you can make a difference, your vote does count. Although there were some sidetracks and failures, we cannot **be hindered as long as we continue to work as a team.**

KNOW YOUR LEGISLATORS

If you don't know your legislators and have computer access, type in this website: www.legis.state.la.us/. Scroll down to "Your Louisiana Legislators" and click on **Find Out**. Fill out the form and print out the sheet for your records. Computers are available at the Library if you do not have one in your home or school.

Get to know your legislators. His/Her job is to serve the people of the district that he/she represents. You may communicate with your legislators through letters, phone calls and personal visits. Always be courteous.

TERM LIMITS: Several Representatives (45) and Senators (15) will have their terms expiring in January of 2008. Their replacements will be up for elections on October 20th and/or November 17th.

Know who is planning to replace them!

SUPPORT NATIONAL LEGISLATION

HR 555 The Family Telephone Connection Protection Act of 2007: This bill will direct the Federal Communications Commission to consider prescribing rules regulating prisoner telephone service rates. The FCC could prescribe a maximum per minute rate, offer debit and collect calls, and allow the lowest bidder to receive the contract, which can be "broken up" to get the best deal. This bill would eliminate "kickbacks". Contact your federal Representative to support this bill.

If you have access to the Internet, visit the International CURE website www.etccampaign.com and participate. Remember that you may have access to the Internet at your public library.

HR 1593 and S. 1060 The Second Chance Act:

"This year, some 600,000 inmates will be released from prison back into society. We know from long experience that if they can't find work, or a home, or help, they are much more likely to commit crime and return to prison...America is the land of second chance, and when the gates of the prison open, the path ahead should lead to a better life."

...President George W. Bush. Jan '04 State of the Union

This bill will increase public safety by reducing recidivism among the 600,000 or more persons who yearly reenter society from prison and jails. The bill focuses on four key areas: jobs, housing, mental health and substance abuse treatment, and strengthening families.

Call or email your member of Congress and ask him/her to sponsor reentry legislation and work to see it enacted. For your Congressional Member's contact information visit: www.congress.com or call the Capital switchboard at 202-224-3121. Let's use our limited funds in better ways than incarceration.

REGISTER AND VOTE!

"Every citizen of the state of Louisiana, upon reaching eighteen years of age, shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony."

Once the incarceration and parole or probation is completed, that person can reapply at the Registrars' office for the right to vote. Proof of release from the Department of Safety and Corrections must be submitted along with personal documentation. This fall, there will be two elections:

Primary Election – October 20, 2007

General Election – November 17, 2007

Registration must be completed 30 days prior to the election.

If you require further information on registering or voting, you may contact The Louisiana Secretary of State Elections Division at: P.O. Box 94125, Baton Rouge, LA 70804-9125.

Telephone: (225)922-0900 **Fax:** (225)922-0945

E-Mail: elections@sos.louisiana.gov

“Pops” Bickham

A former death-row inmate recalls his ordeal

By Whitney Boyd

Scripps Howard News Service – July 6, 2007

Washington – After spending 13,695 days behind bars in the Louisiana State Penitentiary, Moreese Bickham wanted nothing more than to pray on the steps of the Supreme Court for his 90th birthday.

So last week, on the 35th anniversary of the Supreme Court decision that temporarily abolished the death penalty and saved his life, the oldest man to sit on death row and be released did just that.

“I am thankful for the men and women who worked to abolish the death penalty,” he said in a quivering voice, at the top of the Supreme Court steps. “There was a time in jail where all I could think about was getting out. According to the system, right now I should be dead.”

Bickham, who is black, was sentenced to death after being convicted of killing two police officers outside of his home in Mandeville, LA.. Shootings, he said, for which he prays every day for forgiveness, but were only done in self-defense.

On a July night in 1958, the two officers came to his house at 3 a.m. to arrest him for a bar fight earlier in the night.

Bickham said that he was shot first in the chest and said the police officers were known members of the Ku Klux Klan. After two and a half hours, the all-white male jury found Bickham guilty and sentenced him to death.

“At that time, I was surprised I even made it to the courtroom,” Bickham said. “During that time, I should have been hung.”

Bickham spent 14 years and 10 months on death row. At one point, he came within 14 hours of execution.

But after the Supreme Court ruled in 1972 that the death penalty was cruel and unusual punishment, Bickham and 588 other inmates on death row had their sentences commuted to life imprisonment. Bickham served 38 years before being released on Jan. 10, 1996, at the age of 78.

Bickham’s attorney, Michael Alcamo, clearly remembers the night that Bickham was released from prison.

“He wanted to be out at midnight, not a second later,” Alcamo said. “So, we picked him up, and he was out a minute past midnight.”

Bickham returned to his hometown in Mississippi, to pay tribute to his mother who died while he was locked away.

Now an ordained Methodist minister, Bickham said he tries not to hold any regrets in his life, but he does regret the time he missed with his family while he was incarcerated. He now lives with his family in Klamath Falls, OR, and spends as much time as he can fishing.

He also goes on tours speaking out against the death penalty, with The Journey of Hope, an organization comprised of murder victims’ family members who support life in prison instead of the death penalty.

This message was forwarded by **The Journey of Hope**. They can be accessed at:

Postal Mail: **Journey of Hope...From Violence to Healing**

P.O. Box 210390, Anchorage, AK 99521-0390

Phone: 1-877-92494483

E-Mail bill@journeyofhope.org

Free Bus Transportation: Beginning this December, a free bus service will transport needy families from the New Orleans area to the Louisiana State Penitentiary at Angola. This project, directed by Mr. Leo Jackson of Second Zion Baptist Church in Marrero, will help bridge the gap that separates prisoners from their families, and will operate around major holidays, such as Christmas, Easter, and Mother’s Day. If you know someone who would like a ride, if you would like to make a donation, or if you wish for further information, please contact Mr. Jackson at (504) 22801192.

C.U.R.E. My Reason for Joining!

Jay Jackson, C.U.R.E. Member
Baton Rouge, LA

Eight years ago, I volunteered to help the Catholic Prison Ministry team at Louisiana State Penitentiary at Angola. Throughout those eight years I’ve heard many stories from the men locked up behind bars. Every story is unique. Almost all of the stories are painful and heart-breaking. As a volunteer, my most important responsibility is to listen to the men and also remind them of how much God loves them.

Since I have been active in prison ministry, I’ve often thought about my Christian responsibility to these men when I’m not at Angola. Emotionally, many of their concerns become my concerns. So I wondered, “What can I do”?

A very dear friend of mine, Checo Yancy, had been telling me about the organization C.U.R.E., of which he serves as state president. The organization looks at the needs of the men and women incarcerated and works with our legislative system of government to make conditions better for those incarcerated as well as for the citizens of our state. Working to make things **BETTER**; that’s what I was looking for!

I didn’t join C.U.R.E. for any personal family reason. I’ve been blessed not having any relatives locked up. I did join C.U.R.E. because it completes what I do as a volunteer. It attempts to make everyone’s life better. It attempts to let everyone know that God loves us all!

LOUISIANA CURE: AN HISTORICAL PERSPECTIVE

By Justine McCarty

Twenty years ago, the Louisiana Chapter of CURE (Citizens United for Rehabilitation of Errants) began. I was fortunate to be one of the founding members.

In the 1980's the Catholic Community Services (CCS) formed a Family of Prisoners Support group. Key persons in beginning the Support Group were Doucette Pascal, a lay volunteer who worked in prison ministry and Ray Houck, a psychologist who was the support group's advisor. The membership was made up of those with family members in prison.

Initially, active participation provided the emotional and caring outlet for each of us to deal with our own loss and pain. We later reached the point where we wanted to look beyond our own needs and do something constructive about our criminal justice system. Thus, began our contact with Charlie Sullivan, the founder of National CURE. It should be noted that at that time, a chapter of CURE existed at Angola Prison. When Charlie visited Baton Rouge, a meeting was held of interested parties including members of the Family of Prisoners Support Group. The powers that be wisely believed that a CURE chapter on the outside was necessary for effective change to occur. Louisiana CURE was born. By-laws were written and accepted. Margaret Chaney served as first Executive Director and I was first President.

In the early years much activity occurred to enlist memberships, contact public officials including Louisiana Legislators and the Administrators of the Louisiana Department of Corrections (DOC), and expand CURE in the areas of New Orleans, Lafayette and Shreveport. Louisiana CURE members actively engaged with and supported the Lifers' Organization at Angola Prison. CURE members attended Lifers' meetings. In an effort to help inmates participate more actively with their younger children during family visits, a Children's Corner was established at the visitors building at Angola. Appropriate games, activities, and reading materials were provided by CURE members who were actively involved in these activities. Louisiana CURE also attended and presented programs at National CURE conventions and meetings.

In subsequent years, important membership additions were: Tom and Kathy Gess, Linda Fjeldsjo and Diane Smith. Among their endless contributions, Tom and Kathy began a Louisiana CURE newsletter in 1996, which they continued to write, edit and publish through the first 2007 edition. It has become an outstanding publication and source of information exchange. These persons and others closely monitored and participated in Legislative hearings that impacted on our prison system. Also during this time, the Houma Chapter was formed. Claudia Boudreaux, past Executive Director and Virginia Smith, current board member are members of the Houma Chapter. The active participation and support of

members like Sarah Roddy, Della Hayes-Hall, Brenda Sevier and others through these years, enriched and added to the effectiveness of CURE.

Our current membership is extremely proud and fortunate to have as leaders Checo Yancy and Norris Henderson. Both were former Lifers at Angola and after too many years were granted commutations of their sentences. Checo is the current President and Norris is the New Orleans Board representative. Two other active members who enrich CURE with their knowledge and participation are Linda Duscoe and Cory Turner. Linda is the Secretary of CURE and Cory works from New Orleans as Executive Director and until recently was the Community Organizer for the New Orleans area. Through their commitment and work CURE is invigorated. A special recognition must be given to Linda Fjeldsjo. Linda is CCS's staff member responsible for Prison Ministry. In addition to her ever-present work at the five state prisons in the Baton Rouge Catholic Dioceses, she is the Treasurer of CURE. Grants that CURE received from the Catholic Campaign for Human Development (CCHD) have allowed CURE to strengthen the organization and support other of CURE's activities.

Through these twenty years, so many others have made significant contributions. When specific persons are named and recognized, one risks the danger of important omissions. Let me apologize for any lack of recognition and attribute it to age and overload. They know their contributions and I express appreciation to each of them. May the next twenty years of Louisiana CURE be enlightening and effective in reducing incarceration and the need for prisons. May we learn to reduce crime and violence with more effective methods.

YOU & I

- I read the Legislature's agenda and was concerned about a house bill and its effect on the prison system.
- I wrote letters to the House Committee on Criminal Justice members.
- I attended the Criminal Justice Committee's meeting the day the house bill was to be heard and turned in an objection card.
- I spoke before the Criminal Justice Committee and voiced my concerns of the House's bill.
- I was grateful when the house bill was deferred and not passed.
- I helped support a house bill for juvenile reform by being at a Criminal Justice Committee and turning in a support card.
- I helped lobby representatives to vote favorably on the bill.
- I was disappointed when the bill failed to pass on the House floor.
- I will help out at next year's session.
- YOU can take these same actions too.
- YOU can help make a difference in prison reform.
- YOU & I can make changes by working together!

Outcome of Bills Filed for the 2007 Legislative Session

HB 164 / Cazayoux: Provides that persons convicted of armed robbery shall not be eligible for parole consideration. (Basically removes armed robbery from 20/45 law) **FAILED**

HB 217 / LaBruzzo: Provides for a procedure in which the attorney general may file a petition to collect reimbursement of incarceration costs from an inmate. **FAILED**

HB 219 / Walker: Amends the time period for initial registration or change of address for a sex offender from 10 days to 3 days. **FAILED**

HB 313 / Scalise: ACT 295 Increases the time period for filing a bill of information or indictment for felony offenses when a defendant is continued in custody from 60 days to 120 days. This bill **PASSED** but applies to felony offenses punishable by death only.

HB 350 / Geymann: ACT 91 Mandates that an investigation involving certain law enforcements officers must be initiated within seven days after a complaint is made against a law enforcement officer. Reduces 60 days to 7 days. **PASSED** but amended to 14 days.

HB 379 / Baldone: Amends the notification requirements of sex offenders with respect to park, playground and recreational districts. **FAILED**

HB 423 / Jane Smith: ACT 402 Provides that an offender shall return to supervised probation or parole following completion of a sentence for a technical violation of probation or parole. **PASSED** with amendments. This bill expands judge's authority in regard to revocation due to technical violations

HB 436 / Martiny: ACT 412 Creates Louisiana Public Defender Board and provides the delivery of public defender services in Louisiana. **PASSED**

HB 473 / Badon: Provides for infectious disease testing for inmates for certain infectious diseases. (i.e. HIV AIDS) **FAILED**

HB 497/Downs & HB 586/Geymann: ACT 363 Creates the crime of prohibited sexual contact between educator & student. (Became **HB 969**) **PASSED**

HB 504 / Cazayoux: ACT 460 Provides for a revision of the sex offender registration and notification provisions, incorporating requirements of the federal Adam Walsh Child Protection and Safety Act of 2006. (Became **HB 970**) **PASSED** Many laws involved were already in effect in Louisiana, but others needed to come into compliance with the federal law.

HB 563 / Jefferson: Proposed Constitutional Amendment provides requirements for waiving a criminal jury trial. **FAILED**

HB 645 / Guillory: ACT 237 Creates the Prison Substance Abuse and Rehabilitation Pilot Program. **PASSED**

HB 681 / Gray: Provides for the eligibility for parole of juvenile offenders age 15-16 convicted as adults upon reaching their 31st

birthday. **FAILED ON HOUSE FINAL PASSAGE 50 YEARS AND 47 NAYS.** 53 years were needed.

HB 736 / Richmond: Provides parole consideration for those serving life sentences for heroin offenses after 10 years incarceration. **FAILED** This law had been amended to read after 15 years of incarceration. Currently a drug lifer can appear before the Risk Review Panel after 10 years. If he/she passes the Risk Review, they may then proceed to the Pardon Board and if response is positive then to the Parole Board.

HB 740 / Dorsey: Prohibits emergency shelter for sex offenders within 6 miles of a day care facility. **FAILED**

HB 845 / Durand: Provides for a higher benefit rate for certain adult probation and parole officers and provides for funding for such benefit. (A \$65 processing fee will be paid by those on probation and parole.) **This law passed the Legislature but was vetoed by the Governor.**

SB 88 / Fontenot: Proposed law adds obscenity to the list of crimes that requires an offender to register as a sex offender following a conviction. (*The long list of obscenities can be found in West's LA Law Book under R.S. 14:106*) **FAILED**

SB 125 / Malone: Constitutional amendment to provide relative to jurisdiction and location of the Louisiana Supreme Court. **FAILED**

SB 126 / SB 145 / Malone: Proposed law & constitutional amendment provides that the effects of a pardon granted by the governor of LA do not restore rights lost by conviction of a federal offense or an offense against another state. **FAILED**

SB 147 / Cheek: ACT 125 Provides relative to the punishment of an offender who commits first degree murder. This bill give the district attorney more discretion in seeking the death penalty – or not. **PASSED**

SB 151 / Cheek: Provides for the seizure and civil forfeiture of property used in connection with sex offenses and pornography involving minors – includes commercial or residential structures, vehicles, etc. **FAILED**

SB 178 / Cravins: ACT 126 Provides for the makeup and duties of the sex offender assessment panel. **PASSED**

SB 277 / Jones: Provides with respect to a first technical violation of the conditions of probation and parole. **FAILED**

SB 308 / Schedler: ACT 176 Authorizes the DOC to establish or to contract with a service provider or community service organization to establish a comprehensive "project return" post-release skills program for offenders recently released from the custody of the department. **PASSED**

SB289 / Theunissen: Provides discretion to the court to suspend or reduce a sentence in certain circumstances -- Retroactive. **WITHDRAWN**

This report prepared by Kathy Gess

Be Informed

By Kathy Gess

Uneven Justice: State Rates of Incarceration by Race and

Ethnicity: The Sentencing Project has released the publication of a new report, which provides an overview of the use of incarceration in all 50 states, including both prison and jail populations. Highlights include the fact that African Americans are incarcerated at nearly six times the rate of whites and Latinos at nearly double the rate of whites with wide variations among the states.

The Sentencing Project recommendations to reduce unwarranted disparities in the justice system include revisiting drug control policies, addressing overly restrictive mandatory sentencing laws, assessing the impact of “race neutral” policies, and shifting resources to create a broader range of alternatives to incarceration. *The full report can be accessed at www.sentencingproject.org.*

The Case of the Juvenile Sex Offender: How Can You Distinguish a Budding Pedophile From a Kid With Real Boundary Problems?

“It can be difficult, but research is showing that when it comes to sex crimes, youths are not just little adults. So why does the law tend to treat them that way?” This article by Maggie Jones should be required reading for those that deal with the juvenile sex offender as well as those that make the laws dealing with them. The article appeared in the Sunday, July 22, 2007 Magazine of *The New York Times* and can be accessed at www.nytimes.com.

The Nation’s Most Punitive States for Women This article, which is a ten-page fact sheet by Christopher Hartney, is based on 2005 incarceration rates. It shows the disparity in the way states treat women in trouble with the law. Data used came from prisons, jails, probation and parole for adult and juvenile women. The U.S. imprisons more women and children than any other nation with women of color disproportionately represented. “The most punitive states do not enjoy less crime.”

The most punitive states (per hundred thousand capita) are:

- | | | |
|--------------|----|-----|
| 1. Oklahoma | -- | 209 |
| 2. Louisiana | -- | 195 |
| 3. Texas | -- | 186 |

Rhode Island came in last with 38 per hundred thousand.

According to this report, “arrests do not explain differences in custody rates...Differences in punitiveness are more likely explained by the laws, policies, and practices – and the beliefs and attitudes of elected officials and the public – influencing each states response to crime.”

This free fact sheet can be accessed from www.NCCD-crc.org. “Women in prison create children in crisis.”

NCCD is the source of dozens of reports and articles, some of which are free and some of which must be paid for. The

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following reports are also available from www.NCCD-crc.org and are free of charge. Two others of special interest are:

US Rates of Incarceration: A Global Perspective This eight-page fact sheet, also written by Christopher Hartney makes simple side-by-side comparisons of the most reliable and current statistics from around the world to show the extreme use of incarceration in the U.S. Some interesting facts are:

- The US incarcerates the largest number of people in the world. (738 per 100,000 – Nov, 2006)
- The US has less than 5% of the world’s population but over 23% of world’s incarcerated people.
- The incarceration rate in the US is four times the world average.
- The US imprisons the most women in the world.
- Crime rates do not account for incarceration rates.

Attitudes of US Voters toward Prisoner Rehabilitation and Reentry Policies

This article generally deals with nonviolent crimes, such as drug or property offenses, though a lot of responses could also apply to those with a violent offense. In responding to questions, “the public appeared to recognize that our current correctional systems do not help the problem of crime, that prisoners face enormous barriers to successful reintegration to the community, and that rehabilitative services should be provided as a means of reducing crime.”

By a margin of almost 8 to 1, the US voting public is in favor of rehabilitative services for prisoners as opposed to a punishment-only system.

An article written by Robin Templeton called **Giving Felons a Role in Democracy** quotes several people of note that appear to agree with those in the above report:

President Bush in his 2004 State of the Union address proposed a \$300 million Prisoner Re-Entry Initiative to “expand job training and placement services.” He said, “America is the land of second chances and when the gates of the prisons open, the path ahead should lead to a better life.”

From a Report by the American Bar Association “The most important predictive factor as to whether an offender will become a recidivist appears to be employment. Those who find work are less likely to re-offend...To the extent that legal and attitudinal barriers to employing people with convictions can be removed, the chances of work increase and the likelihood of recidivism decreases.”

Louisiana Ranks:

- 1st in homicide rate per 100,000 population
- 1st in prisoner incarceration rate
- 8th in violent crime
- 2nd in overall poverty and rate of children in poverty
- 49th in economy

(From the Baton Rouge Advocate 7/15/07)

Innocence Project New Orleans

Innocence Project New Orleans (IPNO) is a non-profit law office that provides free investigation and post conviction representation to life-sentenced prisoners in Louisiana (and to a lesser extent, Mississippi) who have provable claims of factual innocence. We assist exonerated prisoners with their transition into life after prison and use the examples of innocent prisoners to try and bring about changes in laws and policies to create a fairer criminal justice system in Louisiana. IPNO is the largest innocence project in the country that is not a law school clinic. We take cases in which DNA can prove innocence and, because so little evidence is preserved after trial in Louisiana, we also take cases in which no short cut to exoneration exists and we do exhaustive investigation to prove a client innocent through more traditional forms of evidence.

Because Louisiana has not only the highest per capita incarceration rate in the world, but the highest per capita rate of prisoners serving life without parole in the world, IPNO prioritizes those serving life without parole, who have no right to legal assistance once their direct appeal is over and no hope of getting out through any other means. Since IPNO was founded with an Equal Justice Works fellowship (then the National Association for Public Interest Law) in 2001, it has grown to a free standing office of five, two full time volunteers on a stipend and help from many other volunteers from all walks of life. IPNO enlists volunteer co-counsel for all of its cases, generous members of the bar who assist IPNO lawyers with the often lengthy court-room proceedings involved in freeing a convicted innocent person. Past IPNO co-counsel have included; Robert Glass, Jason Williams, Dan McNamara, Steve Singer, Herb Larson, Neal Walker, Rob McDuff, Jelpi Picou, Rick Schroeder, Tim Meche, Merrida Coxwell and Chris Klotz. IPNO has an annual budget of over \$350,000 and is funded entirely by foundation grants and individual donations.

IPNO has received well over 2000 requests for assistance from prisoners. We also consider referrals from other lawyers. Much of our time is spent doing intensive screening on the cases: separating those with provable claims of factual innocence from those that fall outside our mandate and, more tragically, from those claims of innocence that can never be proven or disproved because the evidence is lost or the witnesses are dead.

In our six years of operation, we have secured the release of twelve innocent men from prison who have served a total of 209 years in prison for crimes they did not commit. In only three of these cases was the prisoner released solely based on the results of a DNA test. In the other nine, DNA was either not available or was only part of the evidence proving the prisoner's innocence. All but one prisoner was serving life without parole. 2006-2007 was a remarkable year for IPNO, seeing seven innocent prisoners freed in the space of 14 months: our best year ever. Exonerations, especially those without DNA possibilities, are a lengthy process: cases can take years to even be looked at by IPNO staff and even once investigation begins, they can take up to five years to compile and litigate.

IPNO has also worked to help secure Louisiana's indigent prisoners access to DNA testing if it could prove their innocence, compensation for Louisiana's wrongfully convicted and is on the road to ensuring evidence is routinely preserved after conviction to leave room for testing later as technologies develop: ensuring we can always audit our criminal justice system. During the 2007 legislative session, we worked with the LDAA to amend the existing compensation law to make the process clearer and more open. However, it is in the individual case successes that our work resonates with the community, fellow lawyers, judges, policy makers and law enforcement around the region. Two of our 2006 case successes were in Jefferson and Calcasieu parishes:

Travis Hayes – Travis was convicted in Jefferson Parish of driving his friend, Ryan Matthews, away from a 1997 grocery store shooting. Both boys were less than three weeks after their 17th birthdays when arrested. In 2004 all charges were dropped against Ryan because it was proved by evidence, including DNA on the shooter's ski-mask, that someone else did the crime. The prosecution fought for two and a half more years to uphold Travis's conviction, but in late 2006 his conviction was finally reversed. In 2007 the State finally conceded it could not prosecute someone for being the getaway driver for an innocent man and dropped all charges against Travis. Travis had already served ten years in prison and was not yet 27.

Allen Coco – Allen was convicted in Calcasieu Parish of a 1995 rape in a one-eyewitness trial. Although the victim testified that the perpetrator had no tattoos and that she had stabbed the perpetrator severely as he tried to escape, Allen had his name written in large letters down his arms and showed no signs of being stabbed when he was arrested shortly after the crime, the jury found the eyewitness identification compelling and Allen was sentenced to life without parole. Over a decade later DNA testing conclusively proved Allen innocent and after six months of further testing the prosecution finally agreed to his release. Allen was exonerated and freed in October 2006. The wrongful conviction of each of IPNO's clients could have been avoided if certain aspects of the criminal justice system were changed to ensure accuracy not just conviction. IPNO's clients were convicted due to factors common to most wrongful convictions: prosecutorial and police misconduct, mistaken eyewitness identification due to faulty techniques, under-resourced defense counsel, false confessions and snitch testimony. Over the coming years, while we continue to try to free the many innocent prisoners whose cases we are just beginning, we will also work to raise awareness of the problems in each of these areas that cause innocent men to be wrongly convicted.

To learn more about IPNO, contact the director, Emily Maw at emilym@ip-no.org

Meet Francesca Scagnelli New Community Organizer

When Linda Fjeldsjo brought me into the Catholic Community Services building I was introduced to a variety of people. As we walked around the building from office to office Linda would casually say, "This is Francesca, our new community organizer. She will be taking care of the criminal justice reform down in New Orleans". *Taking care of*—as if the hundreds-year long fight for equality and justice, in one of the most corrupt areas of the country was just some misunderstanding that needed to be worked out. I wondered if the feeling of my stomach turning over was visible on my face.

My degree is in Sociology, which I received from Loyola University. From my studies there I am familiar with social inequalities and injustices and the theories behind them. I feel that as the new organizer for Louisiana CURE I bring to the table a sociological perspective of the criminal justice system. I have also volunteered with the New Orleans Workers' Center for Racial Justice. Here I assisted in the organization of day laborers' and formalized a wage-claim process to help the workers receive due compensation from contractors. However, that first day in Baton Rouge I wondered if this was enough.

Later the same day I attended my first CURE meeting where I met a few of the great number of people who have worked for and supported CURE in its many years. I was moved by the emphatic fortitude in that small room as I heard each person's critical role in the involvement of CURE. Most of all, I was touched by the encouragement of the group and their passion for and commitment to social change.

At this meeting I understood something that Linda already knew—I realized how we tackle such enormous issues in the face of such adversity. Although it is a sleeping giant we try so hard to wake, it is the web of narratives, histories, experiences, battles and hopes of its members that makes CURE a strong opponent. I am excited about becoming more involved in our fight for justice I am grateful to be stepping alongside such an organization.

In our first steps towards change in the New Orleans area we will be setting up two support groups. One of these is for those previously incarcerated, and the other is for friends and family members of those incarcerated. We will use these groups not to organize those in the community but instead to begin to give them the tools to organize themselves.

ANNOUNCEMENTS

CURE meetings are currently held at three locations:

Baton Rouge: Families of Prisoners Support Group meets on the second Tuesday of each month from 6-7 p.m. The CURE meeting immediate follows at 7:00-9 p.m. Meetings are held at the Bishop Tracy Center at 1800 Acadian Thruway. Refreshments are provided by members.

Houma: The Houma CURE meeting is held every 4th Tuesday of each month at the Houma First Baptist Church, Family Life Center, 7382 Main St., Houma. If you live in the Southeast Louisiana area, you are invited to attend and receive information from the LA CURE meeting in Baton Rouge. You will meet many others who have the same concerns that you have about the prison system. The meeting follows "Shoulders to Lean On", a support group for family and friends of prisoners meeting at 7:00 p.m. Call Virginia Smith at 985-879-1942 for more information. No collect calls, please.

New Orleans: The New Orleans meeting is held every third Tuesday of the month. Meetings are at 7:00 p.m. at the St. Jude Community Center, 400 Rampart Street in New Orleans.

CURE memberships will run from January to December. Please check your membership card and send in your dues when your card has expired. The membership form is on the back page of this newsletter. Also, it will help us and you if address changes are sent to us, even if it is only a dorm change. Newsletters are seldom forwarded by the prisons and only returned by a few conscientious ones.

CURE has a new webmaster. In the next couple of weeks, some changes and updating will be done on our website. Please visit www.curelouisiana.org to follow our progress.

Elections for CURE officer for Baton Rouge will be held October 9th.

To Jail Inmates--VOTE: According to a legal ruling by the state Attorney General, prisoners in jails across the state are eligible to vote absentee in Louisiana fall elections as long as they have not been convicted of a crime. Register first, then **VOTE!**

"It will be of little avail to the people, that the laws are made by men of their own choice, if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood; if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is today, can guess what it will be tomorrow."
...James Madison - *The Federalist*

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