

International Citizens United for the Rehabilitation of Errants (CURE)
Unanimously Adopted Position Statement
September 3, 2012 ~ Washington, DC.
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CURE is a grassroots organization that was founded in Texas in 1972. It became a national organization in 1985 and now has 43 state chapters across the USA, 11 International Chapters and 7 'special issue' chapters.

We believe that prisons should be used only for those who absolutely must be incarcerated and that those who are incarcerated should have all of the resources they need 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 changes.

CURE's Expectations for a Justice system

Because we believe that...

- No one deserves to be measured only by the worst thing she or he has ever done.
- Everyone deserves to be treated with dignity and have his or her human rights preserved.
- Justice systems should be restorative rather than retributive.
- There is no way to create a perfectly safe world. Expecting that of our justice systems leads to policies that are counterproductive.
- Detention must be justified by a legitimate public safety concern.
- Those who are incarcerated should have all of the resources they need to turn their lives around.
- No one should be incarcerated for his or her immigration status.
- National and international human rights documents provide a sound basis form ensuring that justice systems meet these goals.
- The politics of fear should not be allowed to influence sentencing practices or parole policies.
- All efforts should be made to depoliticize justice system offices.
- Drug use should be decriminalized and treated as a public health issue.
- All juvenile cases should be handled in the juvenile system that is geared toward rehabilitation and education rather than incarceration.

We therefore believe that the following practices should define our justice systems with respect to...

ADJUDICATION:

Anyone accused of a crime shall be represented by an attorney who has the qualifications, resources, and time to thoroughly explore the circumstances surrounding the crime and advocate for the defendant. This is true whether the crime is considered violent or nonviolent and whether it is resolved by trial or plea agreement.

The justice system shall understand and consider the individual's background and accomplishments, as well as the mitigating circumstances of the crime as thoroughly as they understand and consider the aggravating circumstances.

No plea agreement shall occur without negotiations that are done with an engaged and competent attorney, in a manner that does not result in harm to any other defendant, and includes the judge.

Anyone who refuses to negotiate a plea agreement and is subsequently tried and convicted shall not be sentenced to a longer term than was offered in negotiations.

The defendant shall not appear in court in shackles, restraints, or jail "uniform."

Any action that results in the deprivation of an individual's liberty shall be decided based only upon the beyond a reasonable doubt standard.

There shall be no loss of voting rights as a result of a criminal conviction.

The criminal prosecution system shall consider evidence of someone's innocence, regardless of when that evidence becomes available and whether or not the court process or representation was flawed.

SENTENCING:

We shall not incarcerate persons who are mentally ill.

We shall not incarcerate persons who are developmentally disabled.

Juveniles shall never be housed in adult facilities.

There shall be no death penalty.

No one shall be sentenced to life without parole.

There shall be no mandatory sentences, since they prevent adequate consideration of aggravating and mitigating circumstances.

We shall utilize non-incarcerative sanctions whenever possible. Those include, but are not limited to:

- Restitution

- Forfeiture of all gains from economic crimes
- Therapeutic solutions
- Restorative/transformational justice (Alternative restorative justice programs shall be provided to an individual when the victim is unwilling to participate.)
- Community service
- Fines and fees based only upon one's ability to pay.
- No one shall be sentenced to a prison term unless it will serve a greater purpose than incapacitation.
- The minimum sentence for any offense shall be only long enough to complete an appropriate, well-defined, treatment and training program. Programming shall be provided in a timely manner.
- Time added for aggravating circumstances shall not exceed the sentence for the basic crime.
- We shall not give significant weight to prior criminal history when crafting a sentence, without considering the probability that recidivism represents a failure of the justice system.
- Felony murder statutes shall be eliminated.
- All mandatory minimums shall be abolished.
- The cost of the sentence shall be identified at the time of sentencing.

TREATMENT OF THE INCARCERATED:

- The Prison Litigation Reform Act shall be eliminated.
- Persons who are incarcerated shall have access to earned benefits (e.g. retiree health insurance, veterans health care, veteran's educational benefits, etc.) in cases where the department of corrections cannot or will not provide comparable services.
- No one shall be subject to long-term restraints (greater than 4 hours) unless authorized and monitored by a medical doctor.
- Individuals shall be provided timely and appropriate health care. No fees shall be charged for health care.
- Persons entering the system shall be evaluated to determine their educational, psychological, and social needs. Every effort shall be made to address those needs while the individual is incarcerated.
- No one shall be held for a lengthy period in a facility (e.g. jail) that provides very limited programs and services.
- No person shall be held in isolation for a nonviolent infraction.
- No person shall be held in isolation for a total of more than four hours for a violent infraction.
- There shall be mechanisms to prevent overcrowding, since that contributes to inhumane treatment.

- No one shall be shackled or restrained during labor or if it will interfere with the delivery of medical care.
- Every effort shall be made to compensate for lack of education that may have contributed to a person's criminal behavior. GED classes shall be standard and provided free by the state to all prisoners without a diploma or GED. Aptitude testing and vocational training shall be provided to ensure job readiness upon release.
- Individuals who are incarcerated shall be able to access Pell grants and other similar aid programs to facilitate their pursuit of a college education.

Programs, policies, and tools shall ensure that individuals are able to maintain their social networks through fair and friendly telephone, surface mail, email, and visitation services, including private family visits. Restrictions shall be imposed only if needed to protect specific victim(s). Family members in the free world shall be able to visit any and all incarcerated family members. Subject to security screening, there shall be no limit to the number of persons on a visiting list or call list. At the very least, persons who are indigent shall be provided with postage and writing materials to facilitate contact by surface mail and at least one call per month to family or friends.

While incarcerated, individuals shall be given responsibilities and decision-making opportunities. Every opportunity shall be made to utilize the talents of those who are incarcerated. Those opportunities may be in the form of facility operation and maintenance, tutoring one another, or providing public services. Where it is possible for an individual to gain certification in an area of expertise that shall be encouraged. Those who are incarcerated shall receive adequate compensation for the work they perform.

Persons shall be paid a minimum wage with a portion going to fines, fees, child support, victim restitution, and savings for use upon release. To the degree possible, community service programs shall be available for interested persons.

The United State shall ratify the Optional Protocol to the Convention Against Torture (OPCAT), and shall set up a mechanism that will operate to prevent abuse and torture in the country's confinement facilities.

No person who is incarcerated shall have administrative, disciplinary, or supervisory power over others who are incarcerated.

There shall be no involuntary interstate transfers.

Housing shall be by consent.

RELEASE OF THE INCARCERATED:

Regardless of the length of sentence, individuals shall be released if they become permanently physically incapacitated and are no longer a risk to the community.

There shall be a presumption of parole at the earliest release date. Release decisions shall be based upon validated, dynamic risk assessments and performance (including therapy) while incarcerated. The nature of the offense of conviction and criminal history shall not be a factor other than the impact they may have on the outcome of a risk assessment.

Lack of programming staff shall not be used as rationale to delay release. Based upon validated risk assessment results, persons who have not completed programming through no fault of their own shall be released to the community where they shall receive community treatment and monitoring to ensure their successful re-entry.

Everyone past his or her minimum release date shall have an opportunity for release annually.

No one shall be denied release because of a pending appeal or for lack of a home placement. If the individual is not able to live with family members, adequate housing shall be provided outside of the prison system.

No fee shall be charged by the state for probation or parole services. This is the responsibility of the state government.

Licensing restrictions shall be imposed only if there is a strong correlation between the crime(s) committed and the activity being licensed.

Anyone released from a prison shall have access to a re-entry program for assistance with housing, transportation, job searching, health care, and other needs.

Incarceration shall not be extended through mechanisms such as civil commitment, lifetime parole, or home confinement. No individual shall be subject to residency restrictions.

Community supervision, in the form of probation, parole, or registration shall be imposed only if a dynamic risk assessment indicates it is warranted. Persons shall be listed on police registries only if they screen high risk on a dynamic risk instrument. There shall be no public registry.

Social security, veteran's benefits, pension payments, etc. shall be available to the person leaving the prison system.

All persons leaving prison shall have their birth certificate, social security card, and state ID card.

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