

## Homicide, sex offenders least likely to repeat crimes

### **CAPPS research: parole delay does little to cut crime**

Although prosecutors are expressing concern about increased paroles, a major new study by CAPPS shows their fears are unfounded. The report, entitled *Denying parole at first eligibility: How much public safety does it actually buy?* was released in August.

In an exhaustive analysis of Michigan Department of Corrections data, CAPPS found: denying parole when people first become eligible has little effect on reoffense rates; new crimes against persons by released prisoners are rare; people convicted of homicide and sex offenses reoffend the least; and serving more time does not increase the likelihood of success upon release.

“Keeping thousands of people locked up longer than was needed for public safety has been a big cause of Michigan’s prison growth,” says Barbara Levine, CAPPS executive director. “Now that budget constraints are forcing us to balance prison spending against cuts to public schools, higher ed and local police, the public deserves to have parole policies based on evidence, not emotion.”

The research examined how much it actually improved public safety to continue incarcerating people who had completed their minimum sentences and were eligible for parole.

A total of 76,721 Michigan prisoners sentenced to indeterminate terms after 1981 and released for the first time between 1986 and 1999 were followed for four years to determine whether they came back to prison for a new crime or for a technical violation of parole conditions. The cases were divided into nine offense categories: homicide, sex, assault, robbery, larceny, burglary, drugs, weapons and motor vehicle.

“The findings are confirmed by many other studies that are cited throughout the report,” Levine said. “However, it is reassuring to draw these conclusions from a large quantity of Michigan data that covers a long period of time, especially since parole board policies changed sharply midway through the study period. Focusing on the substantial differences among offense groups is important for cost-effective parole decision making and reentry planning.”

Overall, 61% of released prisoners were paroled when they first became eligible. About 30% were kept one or two additional years and then released. However, parole on the earliest release date varied widely by offense, ranging from 79% for motor vehicle offenders to 33% for sex offenders.

Of all those released, about 63% did not return for any reason, even without the support services now provided through re-entry programming.

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## Parole delay does little to cut crime

Fewer than 18% returned with new sentences for new crimes. Only 4.5% returned for a new crime against a person. Returns for larceny, drugs and burglary were by far the most common.

Reoffense rates also varied widely by crime type. People who committed financially motivated crimes were the most likely to return to prison. Only 3% of sex offenders returned for a new sex offense and less than 1% of homicide offenders returned for another homicide. Ironically, because parole was regularly denied on the basis of the original offense, not the person's actual risk of reoffending, the people least likely to commit a new crime were least likely to be released.

Serving more time in prison does not improve success upon release. Within offense categories, there is not a lot of difference in the amount of time served by those who succeed and those who return to prison, either as technical violators or with new sentences for new crimes. Characteristics that did predict success were older age, lack of prior prison terms and good institutional conduct.

CAPPS estimates that if everyone denied parole for up to two years had been released when first eligible, more than 2,300 fewer beds per year or nearly 33,000 beds over 14 years would have been needed. Returns with new sentences would have increased only 1.7% and annual arrests would have increased by less than 0.4%. In today's dollars, the savings would have averaged nearly \$74 million a year.

"Lengthy incarceration for the sake of being punitive is not a reasonable crime control strategy," Levine says. "We must stop confusing the seriousness of a person's past crime with the risk that he or she will commit a new one. We routinely incarcerate thousands of people who have served their minimum sentences and would not pose a threat to anyone. The cost to prisoners, their families and taxpayers is enormous."

These findings have numerous implications for corrections policies.

- A presumption of parole upon completion of the minimum sentence for all prisoners, subject to individualized risk assessments, would avoid unnecessarily imprisoning people who have served their punishment and are at low risk for reoffending. It would also save tens of millions of dollars a year.

- The use of incentives for good conduct and program participation, such as sentence credits or community placements prior to parole, would not reduce public safety.

- The application of stringent supervision conditions to whole categories of parolees and of employment and residence barriers to whole categories of people with criminal convictions is not necessary to protect the public. The selective use of parole conditions and of work and residence-related prohibitions, based on actual risk, would be fairer and more

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## *A message from the executive director*

### **Help CAPPs push the envelope on corrections reform**

Several people have congratulated me in recent weeks because the effort to reduce the size of Michigan's prison system is finally bearing fruit. Certainly, for nearly a decade, CAPPs has drawn attention to the harm caused by excessive incarceration through research reports, legislative testimony and public education. Having persistently advocated for reforming parole practices, releasing prisoners who are medically fragile or deportable, restoring sentencing credits and reinstating the sentencing guidelines commission, we are gratified to see a new willingness to consider these strategies.

But we also know that, while we are finally moving in the right direction, we are at the beginning of a long road. It has taken years of revenue shortfalls and painful cuts to other state services to bring the corrections budget "down" to \$1.9 billion. As we face another year of controversy over how to stretch ever-dwindling resources, we must take the debate over corrections to the next level.

Michigan cannot sustain a population of 45,000 prisoners and hope to divert several hundred million more dollars from the MDOC. We must set realistic long-term goals for the prison system and devise a strategy for reaching them. The alternative is to stand by as Corrections' share of GF spending reaches 25 percent or more and the gap between prisons and universities gets even wider.

So what role can CAPPs play at this critical juncture? A lack of funds slowed us down this past year, limiting our ability to staff the office, publish the newsletter and take on speaking engagements. But, as the 2010 elections approach and revenue projections grow more dismal, the need for straight talk about corrections is greater than ever. As a nonpartisan, nonprofit, nongovernmental organization, CAPPs is uniquely situated. It is wholly free to follow the evidence about criminal justice policies wherever it leads and to explore innovative alternatives to incarceration. Our knowledge is rooted in long experience with the Michigan system and in our own extensive research. Our reputation for integrity is well-known to legislators, policymakers and the media.

Efforts to decrease corrections spending are being resisted by prosecutors and others who oppose reducing the prisoner population. Strong rhetoric is used to frighten the public into believing safety is being sacrificed to save money. Locally-elected officials must be challenged by their own constituents to explain why incarcerating low-risk people who have served their minimum terms is more important than revenue sharing for local police, school aid funds for local children and college tuition help for local families. Organizations that oppose deep cuts in education, health care and social services need to understand that fewer prisons does not mean less public safety. Corrections cannot remain the elephant in the living room, while advocates and policymakers tiptoe around it.

CAPPs has pushed the envelope on corrections reform like no one inside state government can. But we have stretched our own dwindling resources as far as they will go. Our foundation funding has long been exhausted. We must have the support of others who care about reordering Michigan's spending priorities. Just \$50,000 would allow us to sustain efforts at the current level. With \$150,000, we could intensify our legislative outreach and public education dramatically.

The goals so many of us share are more within reach than ever before. This is no time to let CAPPs disappear. If we can continue to meet with legislators and policymakers, publicize the facts, network with other organizations, speak to community groups, maintain our website and publish our newsletter, we can continue to make a difference. To help us push the reform envelope even farther, please place as generous a tax-deductible donation as you can in the envelope enclosed with this newsletter. Let's make 2010 the year when we spend more on building Michigan's future and less on locking it up.



Barbara Levine

## Prisons still lock up Michigan's scarce resources

# MDOC budget, population begin edging down

Impelled by relentless declines in state revenues, Michigan has finally turned the corner on corrections spending. The budget for 2010 is based on fewer prisoners and fewer dollars for prisons. Unfortunately, appropriations for other state services have declined even more. While painful cuts are being made to K-12 education, police and fire protection, colleges and universities and a host of programs that affect the public's health and welfare, corrections spending will exceed \$1.9 billion and its share of the shrinking General Fund (GF) is approaching 25%. At 488/100,000, Michigan's incarceration rate in 2008 was still well above the average for the nine Northeast states (306) and 12 Midwest states (392).

These basic facts raise a number of questions. How substantial are the cuts to corrections and how do they compare to cuts in other budgets? How is the population reduction being achieved and what is the likely impact on public safety? What are the prospects for reducing corrections spending further?

### The Cuts

The reduction best known to the general public is the loss of more than \$436 million in school aid funds that is causing local school boards to lay off employees, increase class sizes, limit transportation and reduce music, art and athletic programs.

Another focus of increasing public concern is the 9.3% drop in revenue sharing. About half these funds are used for public safety. Revenue sharing payments have gone from \$1.305 billion in 2004 to \$936 million in 2010. In a recent radio address, Gov. Granholm said that revenue sharing cuts have contributed to Michigan having 2,000 fewer police officers and 2,400 fewer career fire fighters now than in 2001.

The budgets of the Departments of Community Health and the Department of Human Services have both increased, but that is primarily due to increases in federal funding for food stamps and Medicaid. Numerous programs have been cut deeply or eliminated altogether. These

include many that help reduce crime rates in the long run, such as prenatal care for low income women, early childhood education, before and after school programs, services for teenaged parents and at-risk families, and abuse and neglect prevention.

Our spending priorities are particularly clear when we compare corrections to higher education. Both derive more than 90% of their appropriations from the General Fund. The total GF budget for FY 2010 is \$8.128 billion. This is \$718 million, or 8.1%, less than the 2009 total. At \$1.903 billion, the MDOC's GF appropriation is \$54 million below 2009, a 2.8% cut. By comparison, higher education was cut by \$134 million, or 8.4%.

As the accompanying table shows, the choice of prisons over universities has been made for some years. In absolute terms, the MDOC began outspending higher ed in 2004. While colleges and universities received \$185 million more than corrections at the beginning of the decade, eleven years later, higher ed was nearly \$400 million behind.

Equally important is the relative proportion of GF spending in each area since 2000. While

### For the cost of one prisoner, we could:



**Send 10 at-risk four year olds to pre-school.**

**Pay tuition costs for eight laid-off workers to obtain associate's degrees.**

**Provide 134 days of crisis residential service to the mentally ill.**

higher ed's share of the General Fund varied between 17.0% and 19.5%, corrections' share has increased steadily from less than 16% to more than 23%.

Ten-Year Higher Education & Corrections Spending  
(in billions)

	<u>Higher Education</u>			<u>Corrections</u>		
	General Fund	Budget	Percent GF	Budget	Percent GF	
2000	\$9,405	\$1,675	17.8%	\$1,490	15.8%	
2002	\$9,298	\$1,814	19.5%	\$1,585	17.1%	
2004	\$8,722	\$1,551	17.8%	\$1,568	18.0%	
2006	\$9,248	\$1,576	17.0%	\$1,814	19.6%	
2008	\$9,822	\$1,670	17.0%	\$1,981	20.2%	
2010	\$8,128	\$1,507	18.5%	\$1,903	23.4%	

The Population Decline

Universities can attempt to compensate for lost state appropriations by increasing tuition. The Departments of Human Services and of Community Health can reduce services to recipients. In corrections, achieving major budget savings must come from reducing the prisoner population. More than 80% of the MDOC budget goes directly to operating prisons and providing prisoner health care.

The MDOC has saved some money in "administrative efficiencies" by redistributing responsibilities among fewer personnel. In 2008, it had 6.3% more prisoners than in 2000, but 12.4% fewer employees. An additional \$16.5 million in savings comes from the elimination of reimbursements to county jails. The MDOC also saved in many ways that negatively impact prisoners, such as reducing educational programs, carefully controlling food portions and further crowding living areas by placing eight men into cubicles designed to hold four. However, there are limits to how far existing resources can be stretched and still have 24-hour institutions function safely, humanely and efficiently. Thus the goal must be to reduce the

number of institutions that must be operated.

The prisoner population peaked at 51,515 in 2006. By Oct. 2009, it had declined to 46,384. The 2010 budget is predicated on a further decline to 45,433. During 2009, the MDOC closed five prisons (Deerfield, Hiawatha, Scott, Standish, Reception Center Annex). Muskegon Correctional Facility, which had also been slated to close in 2009, will now be rented in 2010 to house Pennsylvania prisoners. The MDOC also closed six camps in 2009. Combined with four previous camp closures, this ended the prison camp program in Michigan.

How was the population decline achieved? In 2002, the population was 49,459. In the next two years, it dipped to 48,887, then to 48,557, before returning to 49,377 in 2005. Early in 2006, a parolee who was erroneously released after his parole had been revoked committed three horrifying murders. In 2006, as the system responded by tightening up at every level, the population grew by nearly 2,100. The fact that, by 2008, it was back down to 48,686 reflects, at least in part, a natural return to historic levels.

However, there is clearly more involved than the effects of one aberrational year, especially given the further decrease of 2,300 in just the first ten months of 2009. One factor is a decline in prison commitments by the courts. According to the Bureau of Justice Statistics, this is a national trend. Michigan is one of 30 states that saw prison admissions drop between 2007 and 2008. About 1,000 fewer new people entered Michigan's prisons in 2008.

The decline in commitments reflects the decline in crime rates that occurred both nationally and in Michigan. In fact, while the total U.S. violent crime rate declined by 2.7% from 2007-2008, Michigan's violent crime rate went down by 6.4%. Michigan's 4.3% decrease in the property crime rate was also better than the national average.

The second key factor is the decrease in returns to prison by parole violators. The number of parolees returned to prison with new sentences has been virtually flat since 2006, even though the

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## MDOC budget, population begin edging down

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number of people on parole increased by more than 4,500 between Aug. 2006 and Aug. 2009. This is in line with the decline in the crime rate overall.

More striking is the 40% drop in technical parole violator returns from 3,158 in 2006 to 1,893 in 2008. In fact, the 2008 returns were the lowest number since 1992, when there were 7,000 fewer parolees. Technical parole violator returns are a function of two things: how much parolees violate the conditions of their supervision and how the MDOC responds to those violations. Even if parolee behavior does not change, returns can be reduced simply as a matter of policy if the MDOC chooses to apply more community-based sanctions before choosing to revoke parole. However, with more structured oversight and support upon release, such as that provided by the Michigan Prisoner Reentry Initiative (MPRI), parolees are also less likely to violate conditions in the first place. The MDOC attributes the substantial decline in technical violator returns over the last few years to the implementation of MPRI statewide.

The final factor contributing to the population decline is the increase in prisoner releases. The number of people who left prison either through parole or discharge on their maximum sentences rose from 11,835 in 2006 to 14,017 in 2007. Releases actually fell back in 2008 to 13,143, apparently because fewer total parole decisions were made. Release figures for 2009 are not yet available. While actual movement to parole lags behind parole decision making for various reasons, there is no question that the parole approval rate has increased substantially since 2006.

“continuance review project.” As of December 2008, 9,000 prisoners serving indeterminate terms had completed their minimum sentences and been “continued” beyond their earliest release date (ERD). That is, they had been denied parole for a period of 12, 18 or 24 months. Some had been considered and denied a number of times. In March 2009, the newly enlarged board began reviewing thousands of these cases sooner than would have occurred under their previously scheduled “next review” dates. Exact figures showing how many were reconsidered and how many were approved are not available.

Many people who are past their ERD committed assaultive or sex offenses and have been denied parole based on their crimes, not their actual risk of reoffending. In considering whether to grant release, the board is now focusing more on individualized risk assessment. For instance, in addition to parole guidelines and the COMPAS, the board’s own standard assessment instruments, the VASOR, an instrument used to assess the re-offense risk of sex offenders, is now administered routinely. Many sex offenders who score out as low risk have been continued repeatedly.

The board is also requiring many people to complete additional programming as a condition of obtaining release. A pair of recent operating procedures (OPs) regarding people who are past their ERD, one for assaultive offenders and one for sex offenders, addresses the programs the board may select.

OP 6.05.104A identifies three in-prison programs that the board can require in various combinations, depending on the person’s COMPAS

violence risk score and whether the person has already completed assaultive offender programming. The OP provides guidance about these combinations. For instance, for someone who scores

High for violence or who scores either Medium or Low for violence but has not completed assaultive offender programming, Beyond Anger I and Interrupting the Cycle of Violence are recommended. For someone who scores Low for violence and has

	No. Parole Decisions	No. Paroles Granted	Parole Grant Rate
2006	22,790	11,807	51.8%
2007	24,620	12,930	52.5%
2008	23,018	13,373	58.1%
2009 (thru Oct.)	22,898	14,161	61.8%

### Increasing Paroles

The 2009 figures include the parole board’s

either completed assaultive offender programming or was not required to take it, Beyond Anger I is still recommended. The length and content of these programs are not described. The board may also require additional programming in the community.

OP 6.05.104B permits the board to “defer the parole decision for prisoners in need of residential sex offender programming (RSOP).” If placement in a community-based treatment program is not available, the prisoner must complete the

program conducted at the Cooper Street Correctional Facility by contractual service providers. The operating procedure does not specify how prisoners needing RSOP are to be identified or describe the program. No data is yet available on how many people are being required to take each of the post-ERD programs or how many have completed them. However, it is apparent that these additional require-

ments are creating a backlog in the system. An August 2009 Parole and Commutation Board Activity Report stated that “between three and four thousand prisoners” who had been given either parole approvals or deferred decisions were still in prison for various reasons. Some were waiting to transfer to MPRI in-reach facilities, some were at such facili-

ties, some were waiting to participate in post-ERD treatment programs and some were awaiting further parole board decisions. Presumably, when this backlog is resolved, the prisoner population will fall below the 2010 target of 45,433.

Some prosecutors and law enforcement officials assert that increasing paroles will jeopardize public safety. They point in particular to the crimes committed by many people who were held past their ERD. However, not only is the board heavily focused on case-by-case risk assessment, CAPPS’s recent research (see article, pg.1) and many other studies show that, in general, assaultive and sex offenders have very low recidivism rates. The fact that crime rates and the prisoner population are declining at the same time further suggests that incarcerating people who have served their minimum sentences is not necessary to protect the public. Ironically, we may well find that overall re-offense rates will be lower as more of these low risk people are finally released.

### The Future

In 2000, our prisoner population was 45,821. The 2010 appropriation assumes the population will return to the 2000 level. But in that decade, the MDOC budget will have increased by nearly 28%. Why is corrections so costly and how can we keep it from consuming ever more of Michigan’s scarce resources? Specifically, how does the current population decline translate into a savings of only \$54 million?

Corrections cost increases are largely driven by increased expenses in three major areas. Personnel costs include not only wage and salary increases controlled by civil service schedules and union contracts but constantly rising health insurance premiums and retirement benefits. Facility operations and prisoner transportation are vulnerable to the rising costs of utilities and fuel. Thus, in total, more than \$35 million had to be added to the 2010 budget for economic adjustments.

In addition, prisoner health care costs, including medical and mental health care and prescription drugs, went up by more than \$24 million. While the MDOC has contracted with managed care providers in an effort to control primary care

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### For the cost of one low-security prison, we could:



**Provide state run psychiatric hospitalization for 543 people who might otherwise come to prison.**

**Pay for Earned Income Tax Credits for 110,000 working poor families in Michigan.**

**Hire 676 police officers to help replace the 2,000 lost since 2001.**

## MDOC budget, population begin edging down

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costs, it faces the same spiraling costs for medication and hospitalization as the rest of the country. It also serves a population with a high proportion of medical and mental health needs.

Reducing these costs further will require both closing facilities and substantially reducing the number of prisoners. It is not enough, for instance, to close prisons and camps but transfer prisoners to other overcrowded institutions that still require the same ratio of custody staff and the same total amount of health care.

Savings that are achieved by paroling more prisoners are also offset by increased costs for parole officers (\$7.3 million), tether monitoring (\$16.9 million) and re-entry support services (\$23.4 million), for a total of \$47.6 million. Thus it is critical to assess how cost-effective these expenditures are and how much value they add to public safety. An additional \$600,000 will pay for enlarging the parole board and its staff so that it can process more paroles and commutations.

Certainly the MDOC budget would have grown even larger without the population decline that has occurred so far. But with FY 2011 poised to be Michigan's bleakest year yet, much more must be done to rein in corrections. The alternative

is even deeper cuts to our children's education, to desperately needed social programs, to our universities and the hopes of students struggling to attend them and, ironically, to the local law enforcement agencies we depend on to keep us safe.

We must set a realistic target population for our prison system. For instance, in 1991, the population was 36,000. Crime rates were far higher than they are now and organized support for returning prisoners was rare. Today, that number would make Michigan's incarceration rate 386, still right about the Midwest average.

Then we must implement the strategies necessary to achieve it. Those strategies are not a mystery. They mostly involve returning to the practices that helped contain the size of the prison population in years past: restoring the sentencing commission, implementing a presumption of parole for all prisoners who are not currently dangerous, restoring a system of sentencing credits, restoring community residential programs for prisoners nearing release, restoring prior practices regarding lifer paroles and commutations for aging nonparolable lifers.

These steps won't get us back to 1991 spending levels. But freeing up a few hundred million dollars more for other state services would certainly help put our priorities back in balance.

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cost-effective.

- Since the majority of former prisoners will not reoffend in any event, reentry efforts will be most cost-effective if targeted at the people who are at highest risk, such as those who committed financially motivated crimes or who need treatment for mental illness or substance abuse. Further research should focus not only on which post-conviction programs are effective but on which offender characteristics correlate with success even in the absence of programs.

"Reducing Michigan's prisoner population and effectively managing the risk of serious new crime by parolees are not contradictory goals," says Levine. "They require only a willingness to set reasonable expectations, to abandon assumptions not consistent with the evidence and to incarcerate only those parole-eligible prisoners who are objectively determined to pose a current threat to public safety."

The 74-page report places the findings in historical context and contrasts the decisions of the "old" and "new" parole boards. It contains numerous graphs and tables that allow the reader to review the underlying data. The report was distributed to legislators and other policymakers, the media and CAPPS supporters. It is available at the CAPPS website, [www.capps-mi.org](http://www.capps-mi.org). A limited number of copies are also available for purchase at the cost of \$8.

CAPPS urges Michigan to join corrections mainstream**Sentence credit bills spark debate**

The legislature is finally considering bills that would let prisoners earn time off their sentences for good behavior. HB 4497, 4498 and 4499, sponsored by House Appropriations Committee Chair George Cushingberry (D-Detroit), would restore Michigan's former "good time" system and permit prisoners approaching parole to enter community placements. Testimony on the bills was taken on Nov. 17, 2009, by the House Subcommittee on Corrections Reform, whose members are Rep. Andrew Kandrevas (D-Southgate) and Rep. Joseph Haveman (R-Holland).

CAPPS has long advocated restoring some form of sentence credits and reinstating community placements for prisoners as part of MPRI. However, these proposals were kept off the table by opposition from prosecutors. Now, the pressure to make corrections more cost-effective is prompting debate.

On Dec. 6, 2009, the Lansing State Journal published an op ed by CAPPS President Ron Bretz that laid out Michigan's erratic history of sentence credits and the reasons for restoring them. (See reprint, page 11) The LSJ also printed an opposing piece by Eaton County Prosecutor Jeffrey Sauter. Then, in an editorial that stressed the need to radically reduce Michigan's prisoner population, the LSJ urged adoption of the Cushingberry bills. (Links to all are at [www.capps-mi.org](http://www.capps-mi.org).)

Bretz also testified in support of the bills before the House subcommittee, explaining that Michigan is "far out of sync with virtually every other jurisdiction. Not only do most give some amount of credit for good conduct, typically called 'good time,' many give an additional amount of credit, typically called 'earned credit,' for participation in such activities such as educational or treatment programs." By rewarding positive behavior, Bretz stressed, sentence credits do not only reduce the prison population, they promote successful reentry.

Representatives of the Michigan Department of Corrections also testified in support, estimating that, if fully implemented, the bills could save about 7,550 beds within six months. This assumes that about 5,650 of the people who become eligible for parole sooner would actually receive it and that another 1,900 people would enter community placements. Net annual savings would be \$107 million, after paying for additional parole officers, tethers and MPRI programming.

Several prosecutors spoke in opposition to the bills, saying that awarding credits would deny crime victims a sense of certainty that offenders will serve their entire minimum sentences.

While no systematic survey of every state is available, CAPPS research shows that most have some form of sentence credit. From New York and New Jersey to Florida, Texas and California, many

**Michigan is far out of sync with virtually every other jurisdiction.**

*--CAPPS President Ron Bretz*

have multiple types of credit and some still award very generous amounts, especially for nonviolent offenders.

Illinois, for example, has differing amounts of statutory good time for nonviolent and violent offenses, as well as meritorious good time, supplemental meritorious good time and earned good conduct credit for program participation. It requires people convicted of violent crimes other than murder to serve 85 percent of their determinate (flat) sentences. Those convicted of nonviolent crimes must serve just 50 percent. Only those

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## Sentence credit bills spark debate

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convicted of murder must serve their entire terms. Depending on how they are classified, Indiana prisoners can earn as much as one day of credit for each day served.

The national trend is for states to increase the availability of credit, particularly earned credit for program participation. This trend presents no threat to public safety. Substantial research shows that sheer length of time served bears no relationship to success upon release. Studies of early release programs in California, Washington State and Illinois concluded that releasing people anywhere from 3.5 to 6 months before their scheduled parole dates did not increase recidivism. In fact, the result may be positive.

The National Conference of State Legislatures (NCSL) published a report in July 2009 entitled, *Cutting Corrections Costs: Earned Time Policies for State Prisoners*, that said, “Benefits of appropriately tailored earned time policies can include costs savings and reduced recidivism.” Noting that states with earned time provisions have seen recidivism rates either remain unchanged or actually drop, the report said: “This decrease in repeat offending can be attributed partially to the benefits of prison-based programming. The reduced recidivism results in a secondary savings through averted future crime and punishment costs.”

The NCSL report concluded: “Among policies that states use to reserve prison beds for the most dangerous offenders, earned time also creates an incentive for motivated offenders to work, take part in rehabilitation, and otherwise prepare to be successful in the community. Earned time is helping states reduce the corrections budget burden and allows funds saved to be invested in programs that reduce recidivism and help build safe communities.”

Until 1978, Michigan granted prisoners

generous amounts of good time on a progressive basis. The number of days per month increased with the number of calendar years served. Then voters passed an initiative petition that required

**“Among policies that states use to reserve prison beds for the most dangerous offenders, earned time also creates an incentive for motivated offenders to work, take part in rehabilitation, and otherwise prepare to be successful in the community.”**

--National Conference of State Legislatures

legislators to amend the statute. As a result, good time could no longer be used to reduce the minimum sentence.

By 1982, it was clear that the change was contributing to increasingly overcrowded prisons. The legislature restored a limited amount of good conduct credit in the form of five regular and two special disciplinary credit days per month or up to 84 days per year.

In 1998, as a result of “truth in sentencing” legislation, disciplinary credits were abolished. The opportunity for prisoners to participate in community residential programs, which included nearly 3,500 people in 1992, was also eliminated. Now, Michigan prisoners must serve every day of their minimum sentences behind bars.

Support for change has been building. Earlier this year, the Prisons and Corrections Section of the State Bar of Michigan adopted a position statement urging the restoration of sentencing credits. Previously, the Detroit Regional Chamber of Commerce, Detroit Renaissance and the Detroit News all called for reintroducing sentence credits in some form.

Because good time was originally eliminated by a voter initiative, passage of Rep. Cushingberry’s bills, at least in their current form, would require a three-fourths vote of each chamber.



December 6, 2009

## Bretz: 'Good time' change saves \$\$, people

As the LSJ reported Nov. 29, Rep. George Cushingberry, D-Detroit, has introduced bills that would allow prisoners to earn time off their sentences for good behavior. Currently, Michigan prisoners must serve every day of their minimum sentence before parole consideration. This has not always been true.

Like other states, Michigan prisoners were, for decades, able to reduce their sentences by earning "good time." A 1978 initiative petition prohibited these awards. In 1982, with overcrowding on the rise, a much less generous system of "disciplinary credits" was enacted to allow prisoners with no misconduct to reduce their minimum sentences by up to seven days a month. This made people eligible for parole consideration sooner; it did not mean they had to be released. But it provided an additional incentive to follow the rules and had a substantial impact on slowing the growth of the prisoner population.

In the late 1990s, a movement called "truth in sentencing" swept the country. It was fueled by a federal grant program to subsidize prison building. To receive funds, a state had to require prisoners who committed violent offenses to serve, on average, 85 percent of their sentences.

Although Michigan already met this standard, some felt we also needed legislation called truth in sentencing. So, in 1998, we went far past the national norm and eliminated credits altogether.

Today, Michigan is far out of sync with virtually every other jurisdiction. Most states give some amount of credit for good conduct. Many give an additional amount, typically called "earned credit," for participation in work, educational or treatment programs. Even Michigan counties use "sheriffs' good time" to control the size of jail populations and manage inmate behavior.

A return to the former good time system or some combination of disciplinary credits and earned credits is critical to corrections reform. Not only would it save tens of millions of dollars, but rewarding positive behavior is the best tool for permanent change. Prison authorities can control inmates through various sanctions, but anyone who has raised a child or trained an employee knows that, to be effective, the threat of punishment has to be balanced by reward for the desired behavior.

No one claims that restoring a system of credits would negatively affect public safety. Research shows there is no relationship between recidivism and length of stay.

Reducing a short minimum sentence by a few months or a long one by a few years will not cause someone with an excellent institutional record to commit a new crime.

The justification for eliminating all credit is transparency in sentencing. But transparency can be achieved just as easily, and much less expensively, by stating at sentencing that the minimum is subject to reduction by up to X amount of credit.

Those who insist that Michigan's sentencing must be "purer" than every other system in the country need to explain why that is worth the price.

## Additional Facts

Ronald Bretz

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## Presumption of parole at minimum is key

# CAPPS 10-point plan gains traction

In January 2009, CAPPS published “A Ten-Point Plan to Reduce Corrections Spending in 2010,” its updated recommendations for corrections reform. The recommendations are grouped around three fundamental points:

1. Prison sentences should be reserved for people who are dangerous.
2. The people who are sent to prison should be prepared as effectively as possible for their return to the community.
3. The parole decision-making process should maximize the release of people who do not present a current threat to public safety.

A number of the recommendations are finally receiving substantial attention. A hearing has been held on bills to restore sentence credits for good conduct in prison and community placements prior to parole. (See story on pg. 9.) Entities as diverse as the Detroit Regional Chamber of Commerce and the Legislative Commission on Government Efficiency have recommended restoring the Sentencing Guidelines Commission. (See pg 14 for complete list.)

A key provision of the CAPPS plan is a statutory presumption of parole after service of the minimum sentence, absent a poor institutional record or objective factors indicating the prisoner is a current threat to public safety. CAPPS has been advocating for such a presumption since 2003.

The current statute simply states that parole shall not be granted unless the board has reasonable assurance that the prisoner will not become a risk to the public safety. Under this subjective standard, parole grant rates have varied from 68 percent to 48 percent.

In December 2008, more than 9,000 prisoners serving indeterminate terms had completed their minimum sentences and not been paroled, although research shows that holding people an additional year or two has minimal impact on public safety. (See story on page 1.) Thousands of people who score low risk of reoffending on the board’s parole guidelines have been denied release based

solely on the nature of the offense.

CAPPS maintains that the minimum sentence represents the appropriate punishment for the offense, as determined by a judge who is bound by legislatively enacted guidelines. When the parole board requires more time based on its own view of the facts, it is effectively engaging in resentencing. Moreover, the minimum sentence is often the product of plea negotiations by the prosecution and defense. A criminal justice system that values fairness and transparency should not permit prosecutors to induce guilty pleas by holding out the promise of release on the minimum while simultaneously relying on the parole board not to grant that release.

Subsequently, the Council of State Governments Justice Center (CSG) released its long-awaited report *Policy Options to Deter Crime, Lower Recidivism, and Reduce Spending on Corrections*. CSG also recommended a presumption of parole at the minimum but with critical exceptions. For some prisoners, the CSG proposal would require release at the minimum unless the person had failed to complete required programs designed to reduce risk to public safety or institutional misconduct. These prisoners could not be held for more than 120% of their minimum sentence unless they scored a very high risk of reoffending on a validated risk assessment instrument.

However, CSG would not apply its presumption to people whose offenses carry a statutory maximum of life or any term, regardless of the actual sentence imposed. These are primarily assaultive and sex offenses, the very crimes for which the board has been most likely to deny parole in the past. That is, the parole board would continue to have complete discretion in exactly the cases where statutory constraints are needed most. In addition, CSG would only apply its proposal prospectively, that is, to people sentenced after the presumption took effect. The result of these two limitations was that CSG estimated its presumption of release, if adopted by April 2009, would save only 515 beds through 2011.

In its analysis of the CSG proposals, CAPPS noted there is no apparent justification for applying the new release standard only to those sentenced after April 1, 2009. Since the standard involves only the parole of people who have served their minimum terms and in no way changes the court-imposed sentence, there is no legal impediment to implementing it immediately.

CAPPS also opposes excluding from the presumption of parole people whose offense carries a statutory maximum penalty up to life. In 2008, nearly 18,000 people were serving for those offenses, which include second-degree murder, assault with intent to murder, first-degree criminal sexual conduct, armed robbery, kidnapping and drug offenses involving 1,000 grams. Judges are not required to impose a life term, however, and fewer than 1,500 of those people were actually serving parolable life terms. Thousands were serving minimum sentences of 10 years or less. Life-maximum offenses also include convictions for being an habitual offender, with no limits on the age or nature of the prior offenses.

There is no functional reason for enforcing the court-imposed minimum for some offenses and not others. Regardless of the crime, the minimum sentence is selected in accordance with legislative sentencing guidelines that take into account the nature and details of the offense and the offender's prior record. Denying parole is not necessary to ensure that assaultive and sex offenders are punished more severely than drug and property offenders. Nor is it necessary for public safety, since, as CAPPS research has shown, these offenders actually have the lowest recidivism rates of any group. Failing to apply the presumption of release to more than a third of all prisoners, including those most likely to otherwise be denied parole, would greatly undermine the twin goals of treating all prisoners even-handedly and substantially reducing the population.

Also weighing in is the nine-member Legislative Commission on Government Efficiency,

which is charged with reviewing the functions of all state agencies and identifying ways to improve cost-effectiveness. The Commission included in the Summary of Potential Recommendations that it released in July 2009: "pursue and implement parole reforms, including legislative changes that move toward presumptive parole." Notably,

**For the cost of 100 prisoners, we could:**



**Pay the full cost of tuition, room and board for 214 freshmen at Michigan State University.**

**Fund five pilot mental health courts to divert the low-risk mentally ill from jail or prison.**

**Hire 66 new direct foster care workers.**

another of the Commission's recommendations is to reduce the number of prisoners serving past their earliest release date to 5,000 over the next five years.

The full 10-point plan, the CSG report and CAPPS' response to the CSG report can all be found on the CAPPS website: [www.capps-mi.org](http://www.capps-mi.org).

## **A Ten-Point Plan to Reduce Corrections Spending in 2010**

### **Principle: Reserve Prison Beds for Dangerous Offenders**

1. Restore the sentencing commission and reassess the impact of sentencing guidelines to ensure drug and property offenders are not incarcerated unnecessarily and sentences for crimes against persons are proportionate to the offense.
2. Increase the availability of drug courts, mental health courts and community-based alternatives to prison.

### **Principle: Encourage and Enable Prisoners to Earn Successful Re-entry**

3. Increase the availability of effective in-prison programs for substance abuse, mental health, sex offender and assaultive offender treatment.
4. Increase the availability of in-prison family support programs and vocational skills training; reduce legal barriers to employment.
5. Permit prisoners to earn up to seven days per month in credit against their sentences for satisfactory participation in academic, vocational and treatment programs, satisfactory work performance and full compliance with prison regulations.
6. Permit prisoners to begin returning to the community, through MPRI, up to eight months before their first parole date to enable the parole board to make better-informed decisions about the person's ability to function in the community and to promote successful re-entry once parole is granted.

### **Principle: Define and Enforce the Scope of Parole Board Discretion**

7. Create a statutory presumption that parole will be granted after the prisoner serves the minimum time his or her sentence requires unless the prisoner has a poor institutional record or objective factors demonstrate the prisoner is a current threat to public safety.
8. Ensure parole guidelines appropriately weight variables based on their ability to predict the risk of re-offending. Ensure the guidelines are applied consistently by scoring them for all prisoners, including parolable lifers, recording parole interviews and permitting appeals of parole denials.
9. Establish a separate "special" parole board, composed of seven members with civil service protection, to handle all cases that require public hearings (commutations and lifer paroles), medical paroles and parole revocation decisions.
10. Limit the revocation of parole to circumstances where the parolee has been convicted of a new crime or engaged in conduct that clearly demonstrates that leaving the parolee in the community at any level of supervision would pose an actual danger to public safety.



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## Parole board expands, named by Governor

The Michigan parole board has been expanded from 10 to 15 members who are now appointed by the governor rather than the director of the Michigan Department of Corrections (MDOC). The changes were made in Executive Order No. 5 of 2009.

Gov. Jennifer Granholm said in her executive order that the expansion and reorganization would “lead to more effective implementation of corrections policy, greater administrative efficiencies in the MDOC, enhanced accountability to elected officials, increased consideration for parole and commutation requests and reductions in corrections expenditures.”

The altered decision-making body is now called the Michigan Parole and Commutation Board. It remains within the MDOC.

The chairperson and members were appointed in April 2009 and four, whose terms expired in November 2009, were either reappointed or replaced in November, 2009. They are:

**Barbara S. Sampson** (chairperson), former program manager for the Wayne County Department of Children and Family Services, Adult Community Corrections program, was first appointed to the Parole Board in November 2003. She was named chairperson in February 2007 and renamed chairperson by the governor after she was appointed in April 2009. Her term will expire in November 2010.

**Robert S. Aguirre**, trainer advisor for Pacific Architects & Engineers Group, was appointed in November 2009 to a term expiring November 2013. He succeeds Lisa Gettys whose term expired November 2009.

**James Atterberry** is pastor and district superintendent of Brotherhood Church of God in Christ in Benton Harbor. He was first appointed to the parole board in November 2003. He was appointed in April 2009 and his term expires November 2010.

**Miguel A. Berrios**, formerly an MDOC area manager for eight west Michigan counties, a

police officer and a federal probation officer, he was first appointed to the parole board in October 2000. He was appointed in April 2009 and his term expires in November 2011.

**Charles Brown**, former sheriff of Saginaw County, was first selected in January 2009. He was appointed in April 2009 and his term expires November 2011.

**Paul Condino**, an attorney and former legislator, was first appointed in January 2009. He was appointed in April 2009 and his term expires November 2010.

**Jodi DeAngelo**, assistant deputy warden at Scott Correctional Facility, was appointed in April 2009 to a term expiring November 2011.

**Stephen H. DeBoer** formerly served as the Barry County Sheriff and as a first lieutenant in command at a Michigan State Police Post. He was first appointed to the board in January 2005. He was appointed in April 2009 and his term expires November 2012.

**Ted R. Hammon**, former state representative, was appointed in November 2009 to a term that expires November 2013. He succeeds David Fountain whose term expired November 2009.

**Artina Tinsley Hardman** formerly served in the Michigan House of Representatives representing the Third House District. She was first appointed to the board in January 2005. She was appointed in April 2009 and her term expires in November 2012.

**Dr. Anthony King**, a former associate professor of social work at Wayne State University, was first appointed in October of 2008 and appointed in April 2009 to a term expiring November 2012.

**David Kleinhardt**, former manager in the Office of the Parole Board, was appointed in April 2009 to a term expiring in November 2011.

**John Sullivan**, an attorney in private practice first appointed in April 2009, was

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reappointed in November to a term expiring November 2013.

**Laurin' C. Thomas**, an attorney who practiced with UAW-GM Legal Services, was first appointed to the parole board in January 2007. She was appointed in April 2009 and her term expires in November 2010.

**Sonia Amos Warchock**, former parole violation specialist with the MDOC, was first appointed in April 2009 and reappointed in November for a term expiring November 2013.

In a related matter, two new members

have been appointed to the Executive Clemency Advisory Council which reviews applications for reprieve, commutation, or pardon for the purpose of recommending to the parole board whether an individual application has merit. They are:

**Joseph R. Jordan** of Detroit, pastor of Corinthian Missionary Baptist Church, who represents the general public. He succeeds Dr. Charles G. Adams who resigned.

**Stuart R. Shafer** of DeWitt, attorney for Stuart R. Shafer, P.C., who represents law enforcement. He succeeds Mary Beth Kur who resigned.

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## **Lifer paroles and commutations**

### **Increase in hearings still can't meet need**

The number of public hearings scheduled by the parole and commutation board rose dramatically in 2009. Compared to 2007, there were more than three times the number of hearings set for parolable lifers and more than five times the number set for commutation applicants. However, after 20 years with very few such hearings, the backlog is so large that even keeping up this pace for another year will only make a dent. Moreover, by Dec. 2009, only half the hearings scheduled during the last three years had actually resulted in releases.

#### The public hearing requirement

Public hearings are required in a number of situations. The board must conduct a hearing before it can release someone serving a parolable life term, most commonly for second-degree murder, armed robbery or criminal sexual conduct. A hearing is also required before the governor can commute the sentence of someone who is not eligible for parole, because the person is either serving a nonparolable life term for first-degree murder or has not yet served the minimum of an indeterminate sentence. Finally, a public hearing is required before the governor can consider a request for a pardon. Although generally rare, there were six hearings on pardon applications in 2009.

As CAPPS has frequently reported, both lifer paroles and commutations were routinely

granted for decades. Both declined starting in the late 1980s. By the late '90s, the board had adopted the policy that "life means life" and had virtually stopped paroling lifers serving for anything but drug crimes. In 2005 and 2006, only 19 hearings were held for parolable lifers. Ten were for drug offenders and three were for non-drug offenders who died less than six weeks after their hearings. In the same period, only six commutations were granted; at least five were for people so ill that they died within weeks or months of their hearings.

#### The number of hearings increases

In 2007, three events occurred. Gov. Granholm established the Executive Clemency Advisory Council to review commutation applications and make recommendations regarding their merit. The parole board, under the leadership of newly-appointed chairperson Barbara Sampson, gradually became more willing to parole lifers. And the U. S. District Court ruled for the prisoner plaintiffs in the class action lawsuit, *Foster-Bey et al v Sampson, et al*, holding that the board's retroactive application of its policy against paroling lifers violated the federal constitution. Collectively, these events marked a trend that led from an average of one public hearing a week being scheduled in 2007 to more than seven a week on average in the last four months of 2009.

The chart below summarizes the 372 public hearings scheduled between Jan. 1 2007 and Dec. 31, 2009 in cases other than pardons. More than 60% were for commutations. Nearly one third of all the cases involved drug offenders. Of these, the majority were not yet parole-eligible and required commutation. One fifth of the total involved commutations in first-degree murder cases; another fifth involved commutations for offenses other than drugs or first-degree murder.

served more than 30; some have served more than 40.

Release numbers differ

Having a public hearing scheduled, having it conducted and being released are three different concepts. Only 189 of the 372 cases in which hearings were scheduled over the last three years, or 51 %, have resulted in release so far. In some,

PUBLIC HEARINGS SCHEDULED 1/01/07 – 12/31/09								
<u>Parolable Lifers</u>				<u>Commutations</u>				
	Hearings		Rel'd		Hearings		Medical	Rel'd
	No.	%			No.	%	(Est.)	
<b>2007 Total</b>	<b>27</b>		<b>26</b>	<b>2007 Total</b>	<b>23</b>		<b>12</b>	<b>19</b>
Drug	13	48.1	13	Murder 1	8	34.8	3	7
Non-drug med	5	18.5	5	Drug	2	8.7	0	2
Non-drug	9	33.3	8	Other	13	56.5	9	10
<b>2008 Total</b>	<b>28</b>		<b>24</b>	<b>2008 Total</b>	<b>82</b>		<b>24</b>	<b>60</b>
Drug	10	35.7	10	Murder 1	29	35.4	6	13
Non-drug med	3	10.7	3	Drug	27	32.9	5	25
Non-drug	15	53.6	11	Other	26	31.7	13	22
<b>2009 Total</b>	<b>89</b>		<b>34</b>	<b>2009 Total</b>	<b>123</b>		<b>30</b>	<b>26</b>
Drug	25	28.1	14	Murder 1	40	32.5	9	7
Non-drug med	4	4.5	3	Drug	42	34.1	3	9
Non-drug	60	67.4	17	Other	41	33.3	18	10
<b>3-Year Total</b>	<b>144</b>		<b>84</b>	<b>3-Year Total</b>	<b>228</b>		<b>66</b>	<b>105</b>
Drug	48	33.3	37	Murder 1	77	33.8	18	27
Non-drug med	12	8.3	11	Drug	71	31.1	8	36
Non-drug	84	58.3	36	Other	80	35.1	40	42

The summary contains an estimate of 66 commutations initiated for medical reasons. Constructed from limited available information, this number is probably low. Overall, the figures indicate the substantial increase in public hearings has been heavily focused on commutations of terminally ill and medically fragile prisoners and on drug offenders.

About one-quarter of all the hearings were scheduled for non-drug parolable lifers, the plaintiff class in Foster-Bey . These men and women were sentenced before Oct. 1992 and became eligible for parole after serving ten calendar years. Nearly all have now served at least 20 years; hundreds have

either final decisions have not been made or the release process is ongoing. Thus the proportion of releases will increase. However, in at least 28 commutation cases, the Governor has decided to deny release. The board has also decided against paroling several lifers after holding a hearing.

For the parolable lifers, the roadblock to release is often set up by the trial court. The statute, MCL 791.234, allows the sentencing judge or that judge's successor the right to file a written objection. The judge need not hold a hearing or make specific findings, can discuss the case with the prosecutor or victim without input from the pris-

(Continued on next page)

(Continued from page 17)

oner and does not even have to give reasons. If the judge objects, the board cannot grant parole. The judge's decision is not subject to appeal. At least a dozen parolable lifers have had scheduled hearings cancelled because judges with no personal knowledge of the case or the prisoner chose to object.

The "release" numbers represent everyone scheduled for a public hearing who is no longer incarcerated. They include people who died, either before or after the hearing was held, without having left prison. In 2008 and 2009, there were at least 13 such deaths. In some cases, public hearings must be scheduled with full statutory notice requirements and conducted with all the usual formalities even though the prisoner is comatose.

### The problem of parolable lifers

In 2003, CAPPS conservatively estimated that there were 811 non-drug parolable lifers who had served the requisite ten years and had no additional sentences that would prevent their release. Although hundreds have had interviews as a result of the Court's order in *Foster-Bey*, only 84 had public hearings scheduled from 2007-2009. Even counting the handful that had hearings previously and some who died or were resentenced, it appears that at least 700 non-drug lifers remain incarcerated without having had public hearings scheduled.

If hearings are set at the same rate in 2010 that they were in Fall 2009, about 100 more parolable lifers will be scheduled. Thus, at least 600 will not have had hearings by the time Gov. Granholm leaves office in Jan. 2011. Even if some are not viable candidates for release, hundreds of deserving people will be left waiting, perhaps for years longer.

The problem lies with the resources available for public hearings and the way those resources are allocated, as well as the increasing exercise of judicial vetoes.

Public hearing cases are more complex than routine paroles and the hearing process is much more time-consuming. Even with added members, the board is overwhelmed by the need to make release decisions in 24,000 other cases a year.

The board also faces difficult choices in how to apportion the scarce resources finally being

devoted to public hearing cases. People who are seriously ill and those serving drug sentences that far exceed current norms should be granted release, even though they are not eligible for parole. It is nonetheless ironic that only a quarter of the scheduled hearings were for the very people who have been parole-eligible for so long and are constitutionally entitled to receive the consideration that was routine when they were sentenced.

### Improving the process

CAPPS has long recommended that a separate, smaller board be established, even if only temporarily, to focus exclusively on the parolable lifers. A similar remedy was requested by the plaintiffs in *Foster-Bey*, but not ordered by the Court. The defendants have appealed the District Court's findings and a decision by the Court of Appeals for the Sixth Circuit is currently pending. Whatever that decision is, the appellate process will undoubtedly continue. In the meantime, the Governor, by executive order, or the Legislature, by statute, could create a lifer review board dedicated to clearing the backlog of cases built up during the many years when these prisoners were repeatedly passed over. This would not only be fair, it would be cost-effective, saving hundreds of beds that might otherwise be occupied by aging prisoners for many additional years.

The Legislature could also address the power of successor sentencing judges to prevent lifer paroles arbitrarily. The statute could be returned to its original form, when only the actual sentencing judge had the right to object. Short of that, successor judges could be required to comply with basic due process protections, such as holding a hearing at which the prisoner's side is presented, having to articulate reasons for objections, and having those reasons subject to appellate review.

Finally, the process for releasing people who are seriously or terminally ill could also be made both more efficient and more humane. A pair of bills, HB 4509 and 4510, have already passed the House and are awaiting consideration by the Senate. They would shorten the hearing notice periods for commutations based on physical or mental illness and would eliminate the hearing requirement altogether for people (other than sex offenders) who are terminally ill.

**Adrian professor, prison instructor, CAPPS board member****Tregea tells of prisoners in “incarceration binge”**

*The Prisoners' World: Portraits of Convicts Caught in the Incarceration Binge* (Lexington Books, 2009) is an absorbing and thought-provoking introduction to the causes and consequences of the growth of America's prison system in general and Michigan's system in particular. Co-authored by William Tregea and the late Marjorie Larmour, *The Prisoners' World* combines the academic literature on the history and politics of prison expansion with excerpts from essays by prisoners about experiencing this growth personally.

Tregea, who holds a Ph.D. from Michigan State University and directs the bachelor of criminal justice program at Adrian College, has taught prison college programs and volunteer classes in eleven prisons in Michigan and California. He is also a founding member of CAPPS who has been on the board of directors since its inception. Larmour, a journalist, writer and editor, taught college classes at a dozen Michigan prisons over a period of twenty years. Their unique vantage point has allowed them to move easily between the theoretical and the experiential, and to smooth the transition by reference to their own first-hand observations.

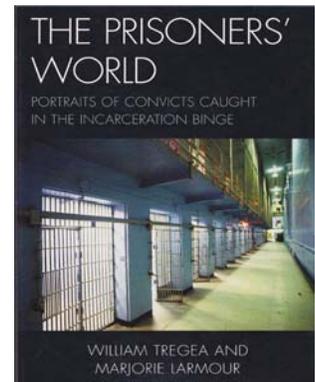
The first several chapters discuss how a country that had a relatively stable incarceration rate for many decades and a declining crime rate chose to go on an incarceration binge. The authors explain how defining certain behavior as criminal can serve the interest of the “power class”, for example, being a debtor until the mid-1800s, a runaway slave or a bootlegger during Prohibition. They then apply a similar analysis to the war on drugs, explaining why America has chosen to address drug abuse through a crime control model instead of a harm reduction model (like the anti-smoking campaign) that ameliorates the consequences of addiction. They describe the impact of the prison binge on impoverished inner-city communities, on state budgets and especially on the young black males whose huge incarceration rates have affected their families, their own futures and even the culture of the prisons themselves.

The authors then let the prisoners tell us about their own lives – their families and neighbor-

hoods, their reasons for engaging in a criminal lifestyle, the choice of drug selling as a career decision and their experiences in prison – from the frightening first days at the Reception Center to living in a cell to daily prison routines. The prisoners also describe their feelings.

One talks about trying to find comfort in his memories; another starts each day looking at the family photos on his bulletin board; a third explains that “one of the heaviest forms of suffering we experience is loneliness.” Still another stresses that although his activities are controlled, “my thought processes are my own.”

While the authors' primary goal is to inform current criminal justice students about how and why the prison system exploded over the last 25 years, it is useful for anyone interested in who prisoners are, how they got there and why too many of them keep coming back. And, when the authors themselves describe the alternate community that existed for prisoners who became “normal” by adopting the role of college student, *The Prisoners' World* serves as a poignant reminder of what was lost when the exclusion of prisoners from eligibility for federal Pell Grants ended prison college programs a decade ago.

**PBF donations appreciated**

We reported in previous issues of *Consensus* that CAPPS has been fortunate to receive generous donations from the Prisoner Benefit Funds (PBFs) at ten institutions. In June 2009 we received yet another such contribution, this one for \$500 from the PBF at Macomb Correctional Facility. We wish to thank the men at Macomb for their support.

We also wish to apologize to the men at Lakeland Correctional Facility for erroneously reporting their PBF's donation in the fall 2008 *Consensus*. That amount was also \$500.

**CAPPS**  
CITIZENS ALLIANCE ON  
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*The Citizens Alliance on Prisons and Public Spending, a non-profit public policy organization, is concerned about the social and economic costs of prison expansion. Because policy choices, not crime rates, have caused our prison population to explode, CAPPS advocates re-examining those policies and shifting our resources to public services that prevent crime, rehabilitate offenders, and address the needs of all our citizens in a cost-effective manner.*

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My tax deductible contribution, payable to "CAPPS," is enclosed.

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