

Ready, set, action:

Images, sound in CAPPS-produced video give parolable lifer story more power

Through the generosity of volunteers, CAPPS now has a video to help bring the plight of parolable lifers to the attention of legislators and the public.

"This was a remarkable gift," said CAPPS Executive Director Barbara Levine. "With its sophistication and high production values, it boosts the power of our message about lifers tremendously."

The 18-minute video – *The Meaning of "Life": Restoring Fairness to Michigan's Parole System* – was conceived by CAPPS members Robert and Joanne Gielow and produced by Mark Hamilton, a friend and fellow member of the Crossroads Community Church of South Lyon (see

story on page 3). Levine and Gail Light of CAPPS prepared the script and helped provide graphics and other material.

The presentation explains, through discussions and visual materials, the plight of those sentenced to parolable life terms in the 1960s, '70s and '80s when the practice was to parole lifers who did well in prison and who were no longer dangerous. About 850 of those lifers, many of whom have served several decades, now face the prospect of dying in prison because the parole board changed its philosophy.

Those featured on the video are: Robert Brown Jr., former director of the Michigan Department of Corrections, who talks about the relationship between the parole board and lifers during his tenure with the department as well as his experiences as a parole agent supervising lifers in Detroit; Don Martin, former prosecuting attorney for Ingham County, who discusses the case of two parolable lifers who were expected to be released after about 10 to 15 years but who have remained in prison 27 years; Gary Gabry, former chair of the parole board, who talks about changes in the board's procedures for reviewing lifers. Also appearing are Nick Lazin, a former lifer; Judi Coleman Bey, the wife of a current lifer; and Dale Daverman, who has been fighting for the release of Ross Hayes, who

(Continued on page 2 -- see Images, sound)

Parole board chair, CAPPS-produced video on lifers to be featured at annual meeting

The annual meeting for CAPPS members will feature John Rubitschun, chair of the Michigan parole board, as guest speaker. A CAPPS-produced video entitled: *"The Meaning of "Life": Restoring Fairness to Michigan's Parole System"* will also be shown.

This will be the last meeting at which CAPPS Board President Robert Grovesnor will preside. His term expires at the end of the year. Ronald Bretz will take over as president in January 2006.

The dinner meeting is set for Thursday, Oct. 27 at 6 p.m. at the Faith United Methodist Church in Lansing. The cost of the meal is \$14.50.

Those who plan to attend should fill out the form on the enclosed flyer, which includes a choice of entrees, and send it to CAPPS by Oct. 17.



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Images, sound in CAPPS-produced video give power to story of parolable lifers

(Continued from page 1)

has served 31 years for killing Daverman's aunt when Hayes was 16.

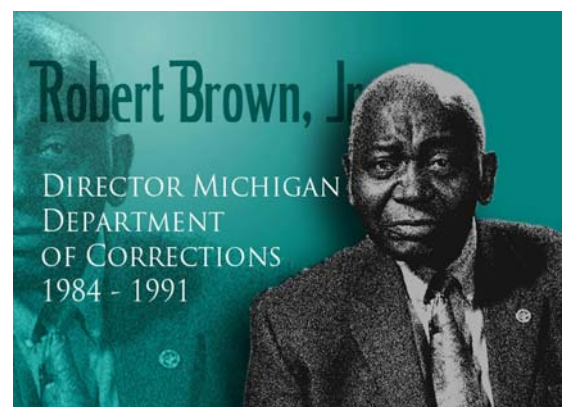
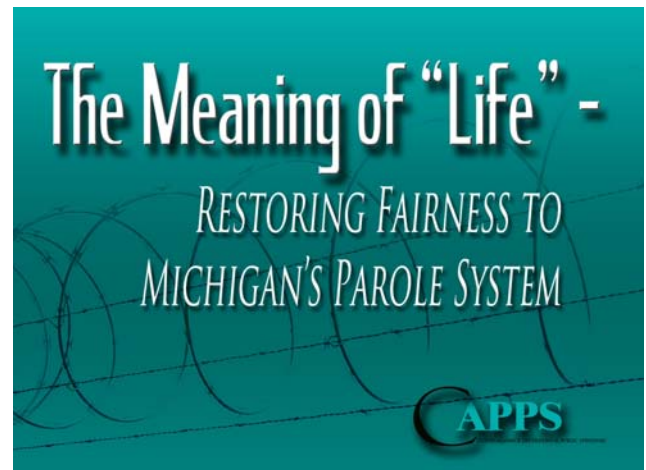
The video uses images of lifers when they first came to prison and contrasts them with images of the same lifers today to illustrate the passage of time and the aging process on these men and women.

Levine explains CAPPS' recommendations for CAPPS recommendations. These include: conducting personal interviews of lifers every two years instead of file reviews every five, using the parole guidelines to assess the risk that lifers will re-offend, permitting appeals of board decisions of "no interest" in lifer cases, and establishing a special lifer review board.

The video is being shown to faith-based and civic groups to enlist support for CAPPS' recommendations. Viewers are asked to write to legislators and the governor and to join CAPPS.

CAPPS members are encouraged to approach civic and religious organizations to which they belong and look for opportunities to show the video. Written materials will be provided to support the presentation.

The video can be seen at the CAPPS website: www.capps-mi.org, and copies, in either DVD or VHS format, can be ordered from CAPPS at \$7 each for members and \$10 for non-members. Copies of the report, **No way out: Michigan's parole board redefines the meaning of life**, can also be purchased. The cost is \$7. For those who purchase both the video and the report, the cost is \$12 for CAPPS members and \$15 for non-members.



Brown Jr. was one of the video participants.

A mix of art and passion

CAPPS members with cause engage creative tekkie for video on lifers

As Robert Gielow explains it, he “felt a burden” after learning of the plight of a fellow church member and her son now serving parolable life sentences in Michigan prisons.

Members of the Crossroads Community Church of South Lyon, Gielow and his wife Joanne were disturbed by the injustice of the situation he described as one in which the “rules were changed in the middle of the game.”

He discussed the situation with attorneys, including former Ingham County Prosecutor Don



Bob and Joanne Gielow

Martin who told Gielow the solution was legislative, not legal and referred him to CAPPS.

Gielow read about CAPPS at its website and attended the annual meeting in Lansing in October of 2004, after which he joined.

“As I learned more about CAPPS I could see that most of the support was liberal, and I tend to have a more conservative tendency, but I believe that the issue of fairness and justice are not liberal or conservative. Everyone should be supportive,” he said.

Gielow read the CAPPS report on parolable lifers – *No way out: Michigan’s parole board redefines the meaning of life* and began to think about how he could help make change. “I needed a tool to tell the story, something visual to explain the issues to the public.” He enlisted the services of fellow church member Mark Hamilton, a mechanical engineer who has been helping the church with its lighting, sound and electronic presentation needs.

Crossroads Community Church has no permanent building but meets in various high schools and other community buildings on Sundays. Hamilton helps set up and take down the electronic equipment and taught himself to prepare electronic

presentations such as Power Point shows for the church. From there it was just a small leap to creating entire video programs using sound recording equipment, cameras, lights and video editing software on his computer. He produced videos for his church, including one to help the church acquire a permanent building, and multi-media shows for the South Lyon High School on summer enrichment programs and the women’s softball program.

When Gielow brought him the idea of producing a video on Michigan’s parolable lifer situation, Hamilton said he was just glad to have another opportunity to create a video presentation. “But after I learned more about the issue I could see the unfairness of changing the rules after the fact, and it led me to try to make the best possible show I could for CAPPS.”

Gielow approached CAPPS Executive Director Barbara Levine about the idea which she quickly endorsed. A team was created to work on the project which included Levine, Gielow, Hamilton and Gail Light, communications specialist for CAPPS, and Tom Lenard of The Rossman Group.

“Robert and Joanne Gielow and Mark Hamilton helped us create this wonderful presentation with no compensation whatsoever. I can only imagine how many hours they put into the product as we edited and re-edited the various interviews. They and all the people who appear on the video have given selflessly of their time to correct an injustice just because it is the right thing to do,” said Levine.

“The video gave me an opportunity to use all the skills I had acquired so far in one project, and it gave me the opportunity to work with a team which included folks outside my normal circle to produce a finished product. It was a good experience,” Hamilton said.

Gielow has begun showing the video to church organizations and has placed it on his church’s website.



Mark Hamilton

A Letter to CAPPS Supporters

CAPPS needs your help. Keeping any fledgling non-profit organization afloat is hard. But CAPPS is at a particular disadvantage. Although our ultimate goal is to increase the resources available to critical human services, shifting those resources from the Corrections budget remains controversial. Reducing the prisoner population and closing prisons is an emotion-laden goal that requires a sophisticated mix of data collection, lobbying, public relations and negotiations with affected stakeholders. And those tasks take money.

CAPPS is currently funded primarily by a three-year grant from the New York-based JEHT Foundation. However, the amount of the grant declines each year in the expectation that increasing amounts of support will be raised in-state. We have just begun our second year of the grant and the difference between our JEHT funding and our budget is \$84,000. To date, this gap has only been partially filled by the generous contributions of hundreds of CAPPS members. Next year the gap will be \$133,000.

CAPPS has accomplished a great deal since it received its first foundation funding in December 2002. We have published three major research reports and developed data-driven proposals that could safely reduce the prisoner population by 7,200 and save taxpayers \$145 million. We commissioned a statewide public opinion poll that shows Michigan citizens would rather spend scarce state revenues on crime preventive services than on prisons. Through meetings, our website and our quarterly newsletter, we have earned a reputation for knowledge and integrity with policymakers and the media. And we have exciting plans to do so much more. But to sustain this momentum, we need to ensure our financial security.

With only one full-time and five part-time staff members, CAPPS' operating expenses are relatively modest. But even modest salaries and rent in a no-frills building must be paid, as must printing bills, office supplies and the retainer for our lobbyist.

The decision to spend \$1.8 billion to house nearly 50,000 prisoners, one-third of whom are eligible for parole, has been made by Michigan's elected officials. Changing spending priorities is ultimately the responsibility of Michigan's citizens. While CAPPS will always seek whatever grant funding is available, we cannot depend on out-of-state foundations to solve Michigan's problems.

So, we are turning to those who understand that policy choices have expanded our prison system at the expense of child welfare programs, substance abuse and mental health treatment, and university tuitions. You recognize that policy changes require persistent strategic advocacy over a period of years. You know an investment in CAPPS is an investment in the fundamental decisions that will affect Michigan's quality of life for years to come.

We are asking you to increase your own tax-deductible donation to CAPPS, if possible, and to encourage others to join. Beyond that, please share this newsletter; direct people to our website; call us and ask for brochures to distribute. Help us identify individuals and organizations that might be willing to make substantial contributions. Send us your ideas for fundraising techniques.

Every contribution to CAPPS is a step toward making Michigan's incarceration policies more cost-effective and freeing up dollars for the services that truly prevent crime. Your support is crucial and greatly appreciated.

Cordially,

Barbara R. Levine

*Barbara R. Levine
Executive Director*

CAPPS website growing, evolving

Take a look at the CAPPS' website, if you haven't been there lately.

Frequent updates of newspaper stories and editorials, research reports and prisoner profiles are being made in an effort to make the site relevant and useful.

All Current information on matters of interest to CAPPS supporters, including the most recent edition of the newsletter, can be found on the homepage under **In Focus**.

Last month, the video on parolable lifers entitled: "*The Meaning of Life: Restoring Fairness to the Parole System*" was added to the site.

If you haven't taken a good, long look at the site, below is a guide to the extensive information you'll find there:

Reports! All the current CAPPS research reports are there to be downloaded and printed or read on your computer.

Media coverage of and editorial support for CAPPS' issues can be found in the **Press Room**.

Profiles! Examples of problems with the state's parole process are illustrated using real people. You can get to profile categories by clicking on the photos at right or by going to the **Prisoner Profiles** on the menu at the left.

If you want to find out how Michigan has moved toward overuse of incarceration as a response to crime, what that approach costs taxpayers and how we can safely back away, there are four menu choices on the left. They are: Prison Growth Causes, Prison Growth Costs, Using Prison Less and Shifting Priorities.

Click on **Causes** and you'll find charts prepared by the MDOC on the causes of prison growth, a history of how the system has grown over the years and illustrations of how parole policies have impacted the prison population.

Click on **Costs** and you'll see information on the MDOC budget, a slide show on the state's budget problems, prepared by the Citizens Research Council of Michigan, and data on where Michigan fits among similar states in terms of incarceration rates and costs.

Click on **Using Prison Less** and you'll be able to read our recommendations for safely reducing the prison population.

Click on **Shifting Our Priorities** and you'll be able to see the EPIC-MRI poll CAPPS commissioned last year on public attitudes about shifting resources away from excessive incarceration to other services and a list of human services tax dollars could buy instead of prisons. There's also a link here to the MDOC Prisoner Reentry Initiative.

Other information at the site includes:

- **Lifers.** Click here to find information on Michigan's lifer law and tips on how to advocate for change.
- **The basics.** Wonder what the parole guidelines are? How do consecutive sentences work? Take a look at the **ABCs of Corrections** on the left menu for a glossary, for information on the parole process (a flow chart), a discussion of sentencing and parole and a listing of the various community sanctions available.
- **Publications!** You can find all the back issues of *Consensus*, and recent legislative testimony.
- **Legislative contacts:** Click on **Legislative Links** to find your senator and representative, to see a list of the various committees that decide correctional issues and for a link to pending legislation of interest.

We also have links (see **Related Resources**) to many organization of interest, including the Sentencing Project, the Urban Institute and the Citizens Research Council. Publications by other organizations including the Sentencing Project are also available here.

Most importantly, you can **join** CAPPS at our website with a credit card. Click on **About CAPPS**

Do you have other ideas for our website? Contact us at capps@capps-mi.org.



Long-time parole process manager and attorney

Parole board chair speaker at annual member meeting

John S. Rubitschun, an attorney with degrees in criminal justice, has been a member of the Michigan parole board since 2001 and its chair since 2002.

Appointed to the board during Gov. John Engler's administration, Rubitschun was chosen to head up the board right before Engler left office. He describes himself as amenable to new approaches and rethinking earlier policies.

Nonetheless, Rubitschun told the *Detroit Free Press* in a recent interview that the current parole rate of about 50 percent, under his watch, is more appropriate than the previous grant rate of 68 percent, prior to 1992, which he said was not "correct."

He also was quoted as saying the board has looked at prisoners past their minimums, about 17,000 in mid-2003, to see if anything different could be done.

"We have done some things in terms of looking at people who are past their minimums. We've accelerated their reviews to see if we could make a decision a little earlier. We're also trying to bring fewer parolees back by utilizing every available sanction in the community."

Rubitschun started in the corrections field as a parole and probation agent in 1975 and supervised felons in Jackson, Calhoun, Hillsdale and Washtenaw counties.

In 1979 he became manager of the MDOC's Parole Release Unit which processes prisoners nearing release on parole to ensure that community placements are appropriate and that all notifications to victims and prosecutors have been made. The unit also prepares the order for parole.

He stayed in the post until 1981 when he became manager of the Parole Violation Unit which administers the state's parole violation process. He represented the MDOC in parole revocation hearings before the parole board.

In 1997 he was chosen administrative law judge for the board, conducting parole violation hearings including arraignments, formal revocation hearings and making recommendations for final disposition to the board.

A 1983 graduate of the Thomas M Cooley Law School, Rubitschun earned a bachelor's and a master's degree from Michigan State University. He is also an adjunct professor at MSU.



Rubitschun

The Michigan parole board is made up of 10 members, all appointed for staggered four-year terms by the Corrections director, who is, in turn, appointed by the governor.

The other members are:

- Artina Tinsley Hardman of Detroit, former legislator*
- Enid Livingston of Birmingham, an appellate defense attorney*
- Stephen H. DeBoer, former Barry County sheriff and member of the State Police*
- Miguel Berrios, a former field supervisor, police officer and federal probation officer***
- Charles E. Braddock of Saginaw, a former police officer and homicide detective**
- Marianne E. Samper of Lansing, litigation partner and former president of a law firm**
- Barbara S. Sampson, former director of the Wayne County Department of Children and Family Services*
- James E. Atterberry of Benton Harbor, a pastor and former county commissioner*
- James L. Quinlan, an assistant deputy warden, work camp supervisor and a parole and probation officer*

* Appointed during Granholm administration

** Appointed during Engler administration

*** Appointed in Engler administration; reappointed during Granholm administration.

AOP report brings responses

MDOC enrolls more prisoners in AOP; problems remain

Nearly 1,100 more prisoners have been enrolled in the Assaultive Offender Program (AOP) run by the Michigan Department of Corrections (MDOC) since CAPPs and the American Friends Service Committee published their April 2005 report on failures in delivering the therapy. But many problems remain, demonstrating the need for legislative action.

Among the difficulties requiring attention are continuing waiting list backlogs at lower security facilities. AOP is still not offered at all in higher security prisons where people who often need therapy the most are housed. No provisions have been made to allow people to complete the program while on parole. And no review process exists for people denied parole despite excellent treatment reports.

The report – *Penny-Wise and Pound-Foolish: Assaultive offender programming and Michigan's prison costs* – laid out the relationship between AOP, a 44-week group therapy regimen for prisoners convicted of assaultive offenses, and parole delays.

One of the report's major findings was that because of long waiting lists to enter AOP, many people cannot complete the program before their first parole review. Consequently, hundreds are denied release each year because the parole board wants to assess their participation in a treatment program the MDOC has failed to provide them in time.

A second major finding was that even successful completion of AOP does not guarantee release since the parole board routinely disagrees with the assessments of MDOC therapists. As of January 2005, nearly 1,500 people who had completed AOP and served their minimum terms had been denied parole.

Senator Mike Bishop, R-Rochester, immediately announced his intention to introduce legislation that will implement several of these recommendations. A bill is anticipated after work on the budget is completed. In the meantime, the Senate has placed boilerplate in its version of the MDOC appropriations bill for 2006 that requires the department to establish a statewide waiting

list for AOP and to transfer people needing AOP whenever possible.

The MDOC responded to the CAPPs/AFSC report by taking steps to make AOP available to more people. In fact, the number of people enrolled at Level 1 and 2 facilities has increased dramatically, from 2,053 on Feb. 1, 2005 to 3,134. This increase of more than 50 percent in six months was achieved in part by filling six vacant positions. It was also the result of a close examination of management issues,

(Continued on page 8 -- see Many)

One case history

How AOP delivery problems impact prisoners with shorter sentences

Michele Quintana's experience reflects the consequences of management problems with AOP. She had been placed on probation for larceny in a building and attempted armed robbery. When she violated probation by continuing to use drugs, she was sentenced to serve two to five years in prison. Because she had nine months' credit for time already served in jail, Quintana entered prison with 15 months until her earliest parole date, January 9, 2005.

Quintana immediately requested placement in AOP upon arriving at Western Wayne Facility in November 2003. She was assessed in January 2004 but denied admission. She requested reassessment and, in the meantime, started substance abuse treatment.

Quintana was reassessed in May 2004 and told that a new group would start in July. It did not. Frustrated, she sought information but got no response. In September, Quintana had a parole interview at which she explained her attempts to enter AOP. A month later she received a notice from the parole board continuing her incarceration for 12

(Continued on page 8 -- see How AOP)

Despite increased enrollment

Many problems not resolved in AOP delivery

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such as whether therapists were actually conducting the expected number of groups with the appropriate number of members.

The department has also established a statewide list of everyone waiting to enter AOP. Therapists preparing to start new groups can request that prisoners at the top of the statewide list be transferred so that people nearest their earliest release dates have the first chance to enter the program. The parole board now allows prisoners approaching completion of AOP to defer scheduled parole interviews until final therapy reports are available, thus avoiding having parole denied for non-completion.

The cost of providing AOP is about \$1,400 per year. The cost of incarceration at a Level 1 or 2

facility is about \$22,000. CAPPS estimates that even after accounting for the costs of adding 55 additional therapists to work through the backlog of cases and the costs of parole supervision, if just 600 more people were paroled annually as the result of completing AOP before their earliest release date, the cost savings would be \$7.3 million. If 500 of the people denied parole were released, an additional \$9.9 million would be saved.

CAPPS and AFSC made 10 recommendations. These include: establishing a statewide waiting list and transfer system instead of dozens of separate institutional waiting lists, hiring more therapists, prohibiting the denial of parole solely for the failure to complete a program the MDOC did not make available and instituting an administrative review process for cases in which the parole board denies release despite favorable AOP evaluations.

How AOP delivery problems impact prisoners with short sentences

(Continued from page 7)

months because: “P(risoner) has not participated in recommended therapy designed to reduce her risk of re-offending.”

Quintana finally started AOP in early November 2004, two months before her earliest release date, but the group was terminated after just two sessions because the women were being moved to another prison. A notice was posted at the new facility in late January that therapy groups would be re-started in two weeks. In fact, Quintana’s group resumed meeting on March 10, 2005. She will next be considered for parole on January 9, 2006.

Quintana’s case illustrates two other problems that commonly arise with the assaultive offender program. Many people enter prison with minimum sentences of two years or less. This makes getting them through AOP before they become parole-eligible especially challenging. It helps account for the fact that, despite the large increase in enrollment, the number of people at Level 1 and 2 facilities who have already passed or are within a year of their earliest release dates has barely budged. There were 1,239 on Feb. 1, 2005 and there were 1,177 on Aug. 1.

The second problem is that the parole interview process begins well before the person’s earliest release date or next consideration date. Just as Quintana was interviewed in September when she became parole-eligible in January 2005, she will again be scheduled for an interview months before her reconsideration in January 2006. While she is finally participating in AOP, she may well not have finished it. The parole board has dealt with this problem by deferring decisions on people who were still in treatment when interviewed. It is now permitting prisoners to sign waivers permitting the interview itself to be deferred until therapy evaluations are completed, so that parole decisions can be made promptly when full current information is available.



Selection criteria explained

Case histories illustrate problems with parole policies

CAPPS uses prisoner case histories to illustrate how tax dollars are being spent keeping people in prison who no longer need to be there. They put a human face on the issues CAPPS is working to explain to those unfamiliar with the parole system.

Some of these prisoner profiles are used in CAPPS research reports. For instance, the histories of 20 parolable lifers were the centerpiece of the report *“No way out: the Michigan parole board redefines the meaning of life.”* Examples of prisoners whose paroles were delayed because they could not obtain assaultive offender programming in time appear throughout *“Penny-Wise and Pound-Foolish; Assaultive offender programming and Michigan’s prison costs.”* Prisoner profiles are also posted on our website, published in *Consensus* and used as handout materials in meeting with policy makers.

The types of prisoner case histories CAPPS is currently publicizing include:

- People who have high parole guideline scores but keep being denied parole
- People whose paroles were revoked for technical violations and now keep being denied parole
- People who were waived into the adult system as juveniles
- People who are very old or very ill
- People who are being denied years of special good time or special disciplinary credits
- People who, upon release, would be immediately deported to other countries or who could be sent to other U.S. jurisdictions to serve sentences there.

CAPPS learns of potential profiles through correspondence from prisoners and their supporters. It screens the letters it receives and

identifies those cases that it believes might be most persuasive. It then writes to the prisoner seeking further information and requesting signatures on authorization forms.

To consider using individual prisoners as case examples, CAPPS must have complete and accurate information about the person’s offense, prior record, institutional record, parole board history and medical history, if applicable. We cannot use a case unless we are confident that there is no outstanding information that will come back to undermine the credibility of our efforts.

In writing to CAPPS, prisoners should provide us with as much documentation as possible, including the presentence report, parole eligibility report, parole guidelines score sheet, parole board notices of action, psychological reports, medical records and immigration holds, where applicable. Sentencing and guilty plea transcripts are also helpful, if available.

People should also include other documents they feel are necessary to explain their situations. Not needed are routine risk screens, certificates of completion for prison programs or newspaper clippings about the prison system in general.

If people cannot afford to make copies of documents, we will make the copies and return the originals. If necessary, CAPPS can FOIA documents from the files of the MDOC.

We do not have the resources to visit people individually or to accept collect phone calls, and the process of developing profiles is often slow. We appreciate everyone’s understanding of our limitations.

Detroit pastor, Grand Rapids community change consultant join CAPPS board of directors

A Detroit pastor, who has been active with the MDOC's reentry initiative, and a Grand Rapids community system change consultant who has been working to reduce poverty, have joined the CAPPS Board of Directors.

Penelope M. Pestle, who holds a bachelor's degree from Harvard-Radcliffe Colleges and a master's degree from Yale University, is principal of Potential, a consulting firm she founded in Grand Rapids which focuses on community system change. Her consulting, fund-raising and public

policy work is increasingly focused on prisoner reentry.

She is a member of the executive committee, board of directors and public policy committee of the Heart of West Michigan United Way and chairs their Impact Cabinet. She also is a board member and execu-



Pestle

tive committee member for the West Michigan Strategic Alliance and a member of the Reentry Roundtable of Kent County that helps ex-offenders return successfully to the community.

Pestle has consulted extensively on organizational and leadership development in the systems furniture, automotive and health care industries. She is an expert in executive and leadership coaching.

Dr. Oscar W. King III is pastor of the Northwest Unity Missionary Baptist Church and first vice-president of the Council of Baptist Pastors of Detroit.

A member of the executive board of the Detroit Branch of the NAACP, King is active on the Wayne County

Steering Committee for the Michigan Prisoner Reentry Initiative. He is also currently on the board of St. John Health System and has served on the boards of numerous other civic and faith-based groups, including the Greater Detroit Chamber of Commerce, the United Way of Michigan and the Southeastern Chapter of the American Red Cross.



King III

Previously, Rev. King was assistant professor at the Ecumenical Theological Seminary in Detroit and was director of the Department of Urban Ministry there.

His church has an interfaith program called the Cross and the Crescent. Through it, he and an Imam from the Nation of Islam jointly visit prisoners.

King earned his doctor's degree in ministry from the Ecumenical Theological Seminary and has a master's degree in divinity from that school. He also holds a master's degree in land economics and real estate from Harvard University and has a bachelor's degree in architecture from Howard University in Washington, D.C.

The CAPPS board currently has 19 members representing a wide range of interests and organizations.

Faces behind the figures

Are we safer because they're behind bars?

Another in a series of CAPPs profiles of prisoners currently eligible for parole

Jerel Wilson, No. 203123

Although Jerel Wilson leaves a minimum security prison each day to work in the community, has excellent reports from supervisors, and has had only one misconduct citation in the last five years, the parole board denied his release because of his "institutional behavior."

Along with three siblings, Jerel Wilson was raised by a single mother who was the sole support of her family. She often worked 16 hours a day as a nurse's aide. School was difficult for Wilson and he dropped out before completing the 8th grade.

By age 18, Wilson was married and had two daughters. The family lived with his mother-in-law on Detroit's east side and Wilson was dealing drugs to help support them. His only criminal conviction was for a 1988 carrying a concealed weapon charge, for which he received probation.

In March 1989, Wilson and an accomplice were involved in a drug-related killing. Wilson pled *nolo contendere* to second-degree murder and committing a felony with a firearm. He was sentenced to consecutive terms of 15 to 30 years for the murder plus two years for the gun.

By the time of his first parole interview in September 2003, Wilson had been housed in minimum custody for three years. He had completed group counseling, and earned his GED and a certificate in food technology. He had excellent work reports throughout his file and had been on public works crews for nine months, leaving camp for 40 hours each week to work in the community. However, he was four months shy of completing the Assaultive Offender Program (AOP) and scored only average probability for parole on the board's release guidelines. The board continued him in prison for a year.

Before his second parole interview in September 2004, Wilson had completed AOP with an

excellent report. He had not received a misconduct citation since 2001, when he got a ticket for being "out of place." Because points for two 1999 misconduct citations had rolled off his parole guidelines score, he was now considered high probability for parole. He had been on a public works crew for 20 months, nine of those months at the Bronson Public Schools where he still works. A supervisor reported:

Wilson is a good worker with good work ethics. He is a team player who works very hard every day. Wilson is willing to go the extra mile daily to make sure a job is done well and in a timely manner. He is a true asset to this crew.

The parole board member who interviewed him wrote:

P[risoner] has demonstrated good insight into his crime, has completed the Assaultive Offender Program (AOP) with excellent grades, has a good relapse prevention plan and has done well in prison. It is evident that P has matured...He has good block and work reports and has gained his GED. Willing to parole.

Still, Wilson failed to get the necessary second vote for parole from two other members who simply reviewed his file. Because of his high guidelines score, the board was compelled to give a "substantial and compelling reason" for denying him. It said:

Although P has done well in some respects, his institutional behavior does not convince PB that he has truly committed to the necessary changes to live a crime free life.

The board did not specify the behavior it was considering.

Wilson's next re-consideration date is January 31, 2006.

Research suggests parole supervision has little impact

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A provocative new study by the Urban Institute questions whether supervising released prisoners in the community actually prevents crime. *Does Parole Work? Analyzing the Impact of Postprison Supervision on Rearrest Outcomes*, by Solomon, Kachnowski and Bhati, Urban Institute: Washington, D.C. (March 2005) compared the rearrest rates of prisoners released to parole in 1994 with those of people unconditionally discharged on their maximums without supervision. The parolees were further divided between mandatory and discretionary releases.

Mandatory releases occur in states with determinate sentencing schemes where people serve a fixed amount of time (less accumulated good time) and are then automatically placed under community supervision. Discretionary release occurs, as in Michigan, when a parole board determines a prisoner's readiness to return to the community. While discretionary release accounted for 55 percent of all releases until the 1980s, it has fallen out of favor with policymakers and accounted for only 24 percent in 2000. Sixteen states have abolished discretionary release altogether and others limit it to certain offenses.

The demographic characteristics of the 38,624 prisoners studied were largely similar. More than 90 percent were males, the average age was 32 or 33 and two-thirds had been incarcerated previously. The discretionary parolees were somewhat less likely to have been previously arrested for a violent offense. The unconditional releases had served an average of 32 months, the discretionary parolees had

served an average of 21.3 and the mandatory parolees had served, on the average, 18.5 months.

Overall, 59 percent of ex-prisoners were re-arrested, 36 percent were re-convicted and 19 percent were returned to prison. Discretionary parolees had a somewhat lower rearrest rate, 54 percent, than the other two groups, which averaged just over 60 percent. However, this difference appears to be attributable to the fact that parole boards choose to release lower risk prisoners. When similar individuals within each group were compared, the rearrest rate for discretionary parolees was 57 percent, only 4 percent lower than for people who maxed out.

The researchers conclude that this relatively small difference is attributable to factors, such as attitude, motivation and preparedness for release, that the parole board considered but the research could not measure.

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Thus, in general, releasing prisoners to community supervision appears to have virtually no impact on public safety.

The researchers note that there are some differences among subsets of the population. For instance, females, prisoners with few prior arrests, public order offenders and technical violators have lower rearrest rates when paroled to supervision than when they are

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Corrections budget for 2005-06 is passed by legislature

The legislature has passed a budget of \$1,878,447,100 for the Michigan Department of Corrections for the fiscal year beginning Oct. 1. Of this, nearly \$1.8 million are general fund dollars, with the rest coming from a mix of other sources. The total represents an increase in the MDOC budget of more than \$92 million or 5.2 percent over FY 2004-05. Once again Corrections will constitute nearly 20 percent of all general fund spending. The budget assumes the MDOC will employ 17,522 people and incarcerate nearly 51,000. Much of the increase is attributable to salaries and benefits.

The most controversial item in the budget has been continued funding for the privately operated Michigan Youth Correctional Facility in Baldwin. While the Legislature left an \$18 million line item in for that facility, it is widely understood that Gov. Granholm plans to veto it. Prisoners from MYCF will be dispersed throughout the sys-

tem. Nearly 1,000 beds will be added to eight minimum security prisons by adding one additional bunk to cubicles that were designed for four men and currently house six. Beds have been added at numerous other facilities while security levels have been reduced at five and at two camps; two corrections centers and a prison barracks have been closed.

Other highlights of the budget include \$9 million for prisoner reintegration programs, a savings of \$1.7 million in the managed health care contract through “unspecified efficiencies,” elimination of \$1 million for Hepatitis C testing and treatment, and a \$1 million savings in food service by changing from whole to skim milk and eliminating prisoner coffee. A proposal to add a 35 percent surcharge to items purchased from prisoner stores was not adopted.

Impact of parole supervision questioned

(Continued from page 13)

released unconditionally. Conversely, however, some white males with certain offense characteristics did worse with parole supervision than without it. In the end, few prisoners have the combination of characteristics that put them at either extreme.

The researchers conclude that: “postprison supervision...does not appear to improve rearrest rates for the largest subsets of released prisoners.”

For all release categories, prisoners convicted of property offenses have the highest rearrest rates. Rates for those convicted of violent offenses are substantially lower. Supervision plays no role in predicting rearrest for those with violent offenses. It is associated with lower rearrest rates only among property offenders released via discretionary parole. Drug offenders released to supervision via mandatory parole actually have higher rearrest rates than those released unconditionally.

The researchers caution that there are several important limitations on the data. Rearrest rates may vary in part because the surveillance of people under supervision may lead to their criminal

activity being discovered more readily. Importantly, the data does not reveal the nature of supervision. Different outcomes may occur depending on such factors as the length or intensity of supervision, caseload size and services offered. State-level differences in release policies that affect outcome may also be buried by the aggregate nature of the analysis.

Nonetheless, the authors observe, “it is discouraging...to find that the overall effect of supervision appears to be minimal.” They summarize various suggestions for dramatically reshaping post release supervision. And they suggest changes in supervision strategies that might make parole more effective. These include: more frequent contact with parole officers, placing parole officers in the neighborhoods where parolees reside, more consistent use of progressive sanctions for violations, retrenching from the “surveillance model” adopted in recent years to include more supportive services and focusing more on developing ex-prisoners’ positive assets.

State prisons bulging and expensive

The Flint Journal

Sunday, July 10, 2005

'Punitive' system keeps paroles down while crowding, costs soar

By Sarah Kellogg
Journal Washington Bureau

WASHINGTON — With gloomy economic forecasts at every turn, there's one industry in Michigan that is meeting if not exceeding the performance in other states: prisons.

Michigan is No. 6 nationally in prison population (48,591 as of June 30, 2004), No. 4 in its prison budget (\$1.8 billion in 2003) and No. 3 in the percentage of state spending earmarked for corrections (4.7 percent in 2003), according to a new report.

"Michigan remains one of the few northern states with a lock-them-up policy," said Marcia Howard, the author of State Policy Reports, a Washington newsletter affiliated with the National Governors' Association, which compiled the numbers. "The state really sends a lot of people off to prison, and it's costing a lot of money."

Michigan's incarceration rate of 489 prisoners for every 100,000 residents — or more than four per 1,000 — pushed the state to No. 11 nationally in that category in 2003, the report found. It followed nine Southern states and Delaware (No. 10).

Tough choices

Given the size of the Michigan system, it's no wonder Gov. Jennifer Granholm and lawmakers have been struggling with how to best finance prisons without bankrupting the state budget.

In the past month, negotiations on the 2006 Corrections Department budget have focused mainly on dueling proposals that would solve the budget problems by closing facilities in the fiscal year beginning Oct. 1.

Granholm wants to end the state contract with a privately run youth prison in Lake County, which would save an estimated \$7.5 million next year. GOP leaders want to close the Newberry Correc-

Right up there

Michigan is a heavyweight among states in several measures of how prisons pressure the economy:

Top 10 states in prisoner population as of June 30, 2004:

1. Texas, 169,110
2. California, 166,053
3. Florida, 84,733
4. New York, 64,596
5. Georgia, 48,625
6. Michigan, 48,591
7. Ohio, 44,770
8. Illinois, 44,379
9. Pennsylvania, 40,692
10. Louisiana, 36,745

Source: State policy reports

tions Facility and nearby Camp Manistique in the Upper Peninsula. Those closures would save about \$12 million annually out of a proposed \$1.7-billion corrections budget.

A state House and Senate conference committee will decide which prison to close in the coming weeks, but Granholm has vowed to use her veto power to fight the closure of Newberry.

Observers say if lawmakers and the governor are looking to save money, they should consider shrinking the prison population by releasing more individuals who are eligible for parole.

"Michigan is very punitive compared to other states," said Barbara Levine, executive director of the Citizens Alliance on Prisons & Public Spending, a Lansing group that lobbies against prison expansion.

"There are thousands of people eligible for parole who never leave," she said.

In fiscal year 2003, the 10-member Michigan Parole Board granted parole to 12,788 or 51.8 percent of eli-

Top 10 states in corrections spending in 2003:

1. California, \$5.4 billion
2. Texas, \$3.6 billion
3. New York, \$2.6 billion
4. Michigan, \$1.87 billion
5. Ohio, \$1.84 billion
6. Pennsylvania, \$1.78 billion
7. Florida, \$1.75 billion
8. New Jersey, \$1.3 billion
9. Georgia, \$1.26 billion
10. Illinois, \$1.24 billion

Top 10 states in the percentage of state budget spent on corrections in 2003:

1. Texas, 6.1 percent
2. Oregon, 5.5 percent
3. Michigan, 4.7 percent
4. Georgia, 4.5 percent
5. Louisiana, 4.2 percent
6. Colorado, 4 percent
7. Idaho, 4 percent
8. Maryland, 4 percent
9. Nevada, 4 percent
10. Ohio, 3.9 percent

gible prisoners — far below 1990's 68 percent.

Michigan's parole approvals have dropped significantly over the past decade as the board tightened its standards in response to high-profile cases in the early-1990s where paroled felons committed violent crimes after leaving prison.

Full houses

While huge, the state's prison population has reached a plateau. Between 2002 and 2003, Michigan saw a 2.4 percent decline in the number of prisoners sentenced.

Michigan officials say the declining prison population is good news considering that the state's prisons are nearly full.

"Our population is close to capacity, but I think that's how a corrections system should run," said Russ Marlan, a Corrections Department spokesman. "The fact that 2003 was our first prison

population decline in 20 years, and then we saw it down again in 2004, shows we're making great stride controlling the prison population."

Observers say the mammoth size of the Michigan system is a direct result of prison buildups of the 1970s and tougher judicial sentencing in response to political pressure to get tough on crime. While the building stopped, the other factors remain.

"It's pretty crowded," says Mel Grieshaber, executive director of the Michigan Corrections Organization, the corrections officers' union. "When we built all those ten and pole barns to handle overcrowding, they were supposed to have a shelf life of five to eight years, and 15 years later we're still using them. Nobody likes crowding, but that's where we're at."

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Reprinted with permission from the *Flint Journal*. This article ran in several Booth newspapers including the *Grand Rapids Press*, the *Kalamazoo Gazette* and the *Muskegon Chronicle*. The *Kalamazoo Gazette* also ran an editorial on the issue, which appears at the CAPPs website: www.capps-mi.org/Press_Room.



Notice to members of proposed by-law changes

The following changes to the by-laws will be voted on at the annual membership meeting to be held at 6 p.m. on Oct, 27, 2005 at Faith United Methodist Church, 4301 S. Waverly, Lansing.

The proposed changes are the result of four years of experience. During that time, some board members have resigned because of scheduling conflicts and others have taken their places. It is the board's view that artificial limitations on both members' terms of service officers' terms are unnecessary as a means of promoting fresh viewpoints within the board. Moreover, term limits have the result of forcing out members who remain willing to serve.

Because the movement of people on and off of a large board makes it difficult to maintain precisely 21 members at all times, the board recommends defining a full board has falling within a range of 15 to 21 members.

ARTICLE 3

Officers and Board of Directors

3.1 Board of Directors. CAPPs shall be governed by a ~~21~~ board of **15-21 members**. To insure the representation of diverse points of view, the Nominating Committee shall consider candidates from each of the following:

- a) civic organizations
- b) law enforcement
- c) criminal defense
- d) prisoner advocates
- e) community corrections
- f) substance abuse prevention and treatment
- g) mental health treatment
- h) higher education
- i) K-12 education.

3.7 Terms of Office.

a) Board members shall be elected for staggered three year terms, except that at the first annual membership meeting, seven board members shall be elected to serve for a term of three (3) years, seven shall be elected to serve for a term of two (2) years, and seven shall be elected to serve for one (1) year. ~~Board members may not serve more than two consecutive full three (3) year terms, excluding time served as an officer.~~

b) Officers shall be elected for two year terms and may serve ~~no more than two~~ consecutive terms.

CAPPS
CITIZENS ALLIANCE ON
PRISONS & PUBLIC SPENDING

115 W. ALLEGAN STREET,
SUITE 850, LANSING, MI 48933

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.

Nonprofit org
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Be part of the solution -- Join CAPPS

Citizens Alliance on Prisons and Public Spending Membership Form

CAPPS, 115 W. Allegan St., Suite 850, Lansing, MI 48933; Phone: (517) 482-7753;
Fax: (517) 482-7754; E-Mail: capps@capps-mi.org; Web site: www.capps-mi.org
My tax deductible contribution, payable to "CAPPS," is enclosed.

My membership category is:

- Prisoner — \$10 Student — \$10 Friend (individual/family) — \$25
 Supporter — \$50 Partner (individual/organization) — \$100
 Patron -- \$250 Benefactor -- \$500

Name: _____ Title: _____

Organization: _____

Address: _____

Phone: _____ Fax: _____ E-Mail: _____