

## Nearly \$2 billion proposed

# CAPPS addresses 2007 Corrections budget

*The process of adopting the state's budget for Fiscal Year 2006-2007 is now in full swing. Once again, Executive Director Barbara Levine presented CAPPS' views on the MDOC budget to legislators. Her recent testimony before the House Subcommittee on Corrections Appropriations is reprinted below. Readers wishing to make their own comments should write to their senators and representatives and/or the Governor's office.*

Good morning, Chairman Pastor and members of the Committee. I am Barbara Levine, executive director of CAPPS, the Citizens Alliance on Prisons and Public Spending. CAPPS is a non-profit public policy organization that advocates shifting resources from corrections, to the extent this can be safely done, to other public services that so badly need them. I appreciate the opportunity to speak briefly with you today about the MDOC budget for 2007.

We all recognize that any discussion of cor-

rections is inevitably going to be affected by the brutal murders of three people by a parolee. Although such killings are extremely rare, when events like this happen, it is a struggle to keep them from driving policy. And even though the narrow issue in the current case is why Mr. Selepak was released from custody after his parole violation, inevitably questions arise about the entire parole process.

Asking questions about the parole process is a lot of what we do, because changes in parole policies have largely driven the expansion of our prison system since 1992. As Director Caruso has already explained, parole is not early release. Michigan prisoners must serve the minimum sentence imposed by the courts as punishment for the crime. The courts must select minimum sentences in accordance with sentencing guidelines adopted by the Legislature. The question in every case is how much more than the minimum a person will be required to serve.

Many, many people who have served well past their minimum terms, have excellent records in prison and have not exhibited any threatening behavior since they were sentenced are denied parole because the board does not feel confident that they will not pose some risk in the future. Yet, even though parole practices have been tightened and tightened in response to previous high profile cases, the board cannot predict that a particular parolee will commit this sort of horrific crime. Creating the unrealistic expectation that such predictions can be made leads to locking up thousands of people who would never commit another crime, much less multiple murders, to avoid releasing the one person who will.

So, as you consider the nearly \$2 billion budget proposed for the MDOC in 2007, we must continue to ask whether our scarce resources are being put to their best use. The fact that we will not need to open more prisons in the next few

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## CAPPS addresses 2007 MDOC budget

years is good news, but we need to do better than the status quo. Nearly 50,000 prisoners are still far too many. We are still talking about adding 545 beds this year, causing existing facilities to become even more overcrowded. We still have the highest incarceration rate of any Great Lakes state. We are still talking about an increase of 4.8 percent in general fund spending on corrections and corrections will still take more than 20 percent of the general fund budget. Above all, even after building in the hoped-for reductions in recidivism from MPRI, we are still projecting that the population will exceed 54,000 by 2010 – that is, that we will add 4,500 people in the next four and a half years.

### Innovation takes information

Our prison population can be not just contained but reduced. If we examine exactly who

we have incarcerated and why, we can devise solutions that are cost-effective and protective of public safety. As the December 2005 Wall Street Journal article I have attached to my testimony shows, other states are

utilizing a variety of approaches and Michigan can too. We have already made a good start, by reforming our drug laws and investing in re-entry support for people returning to the community. Because of boilerplate you put in last year's budget, the department has improved access to assaultive offender programming that is critical to improving people's chances of getting paroled. We ask, by the way, that you keep that boilerplate this year to ensure that these improvements in program delivery continue.

As I have watched these hearings, I have been impressed by the range and insightfulness of the questions each member of this committee has posed. Your search for information has already produced important new data. For instance, in response to a boilerplate requirement in last year's budget bill, the MDOC recently reported on prisoners who are discharged after serving their maximum sentences. It appears that the rate of return to prison with new sentences is not very different for people who max out than it is for those who are paroled. For parolees, four years after release it is 14.2%; for people who maxed out, over a four-year period it is 16.2%. Based on this data, we should ask what we are really gaining for the cost of keeping so many prisoners for so many additional years.

“ . . . even after building in the hoped-for reductions in recidivism from MPRI, we are still projecting that the population will exceed 54,000 by 2010 . . . ”

## The decline in parole decisions

I would like to suggest a few more questions you might want to pursue. One is why the number of parole decisions dropped by nearly 2,000 last year and the number of people moving to parole dropped by more than 1,000 – the equivalent of one \$2 million prison.

The available data do not indicate that fewer people were eligible for review. When CAPPS analyzed the MDOC prisoner database as of May 2003, we found 11,223 people who were past their earliest release date but not yet paroled and 3,645 technical parole violators. At the end of 2005, 11,524 people were past their earliest release date and there were 3,675 technical parole violators. That is, the number of people eligible for parole consideration had actually increased slightly. There are also about 834 parolable lifers whose numbers remain virtually unchanged.

Given these figures, it is difficult to understand why the number of parole decisions has dropped. If there are fewer prisoners in the categories the board is most likely to release, that would explain why fewer of the decisions made would be grants. But that does not explain why the total number of decisions to be made would be smaller.

One possibility is that the board is continuing people for longer periods before their next parole interview. By policy, once it denies parole to someone other than a lifer, the board can schedule the next review for 12, 18 or 24 months. There are no set criteria. People commonly receive continuances of varying lengths for no apparent reason. If the people not being paroled are getting increasingly longer continuances, they would come up for review less often and fewer parole decisions would be made in a given year. I don't know if this is the case. But since continuance practices can have a big impact on bedspace, they would seem to be worth exploring.

## Elderly and ill prisoners

We also need a better understanding of who might be good candidates for release based on age and/or illness. We spend tens of millions of dollars to treat prisoners who have such serious chronic illnesses as kidney failure, heart disease, Parkinson's and cancer. We run a geriatric unit where elderly prisoners have all they can do to get themselves fed and dressed. Even

if some people had to be placed in chronic care facilities designed for parolees rather than released directly to the community, it would take the cost of their housing and their medical care out of the MDOC budget. Federal dollars for Medicaid, social security disability

**“We spend tens of millions of dollars to treat prisoners who have serious chronic illnesses . . .”**

benefits and VA benefits could be leveraged and, in some cases, private health insurance or other resources might be available.

It is true that some older prisoners were already older when they committed their offenses. And some committed such terrible crimes that the public would want them to die in prison no matter what the expense or the actual risk to public safety. But it is also true that some older prisoners have served decades longer than they would if sentenced today. And some seriously ill people who present no risk to anyone are past their parole eligibility dates.

One example is attached to my testimony. Ruth Bullock was serving a parolable life sentence for possessing more than 650 grams of cocaine. The parole board denied release at 10 years. When she came up for her next review at 15 years she was 63 and suffered from kidney failure, seizures, high blood pressure and a brain tumor. She had waited six months for a decision when blood vessels in her brain ruptured and she died after multiple surgeries at U-M Hospital.

## People subject to deportation

We need a better understanding of why more foreign nationals are not released so they can be deported under stringent post-911 immigration laws. About 150 foreign nationals who are currently eligible for parole are being housed in Michigan prisons at a cost to Michigan taxpayers of \$4.5 million a year.

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Another 200 will become parole-eligible this year and next. Their crimes range from OUIL, drug possession and theft to sex offenses and murder. Some don't speak English well enough to participate in group therapy programs or to communicate fluently at parole board interviews. I am not suggesting that every foreign national should automatically be deported as soon as possible no matter what the circumstances. But some of these cases make you wonder just what Michigan citizens are paying for.

Again, one example is attached to my testimony. Gabriel Christ, a 59-year old German citizen with no prior record is serving 1-10 years for assault and 2-15 years for third-degree criminal sexual conduct as the result of a domestic dispute. The parole guidelines note that this was a situational offense, unlikely to recur, and score Christ as having a high probability of release. He has not received a single misconduct citation while in prison and would be immediately deported to Germany. Nevertheless, the parole board has turned Christ down for parole five times because he refuses to admit guilt of the sexual assault. He is now 5 ½ years past his earliest release date.

### **Clarifying risk assessments**

Finally, we need to have a better understanding of how risk assessments are being made. When people score high probability of release on the parole guidelines, the board is required to state substantial and compelling reasons for denying parole. But so often the reasons given are general conclusions like: "despite completion of therapy and good institutional record, board doesn't feel assured that prisoner is not a risk." Allusions are often made to the parole interview, such as: "during interview, prisoner minimized his offense" or "prisoner appears to lack insight." The interview is not recorded and what the prisoner actually said is not quoted, so other board members who have to vote on the case have no basis for making an independent judgment. It is not uncommon for people with excellent institutional records to be denied release for a couple of years and then suddenly, although absolutely nothing has changed, parole is granted. Examples of

two such cases, Nicholas Seymour and Jerel Wilson, are also attached to my testimony.

At the other extreme are the cases where the board does not even undertake a risk assessment. For the 834 parolable lifers I mentioned, the board does

**"About 150 foreign nationals who are currently eligible for parole are being housed in Michigan prisons at a cost to Michigan taxpayers of \$4.5 million a year."**

not calculate parole guidelines scores or give any reason for denying release. It simply issues a notice that says "no interest." We have no information about why specific eligible individuals are not being paroled or any basis for determining how much of a risk they would actually present to the public. All we know for sure is that they are getting older and more expensive to care for.

In sum, there are various ways we could not simply contain but reduce our prison population, and consequently our prison expenditures, without jeopardizing public safety. But, as the members of this committee so clearly recognize, to engage in innovation, we first need information. I hope that you will consider adding to your list of questions some of those I have raised today.

Thank you.

*At annual membership meeting***Parole chair defends policies, cites change**

The chair of the Michigan parole board defended current parole policies at the annual CAPPS membership meeting in October. About 70 members and guests attended.

John Rubitschun, who guides the 10-member board, said parole rates have risen since he took over in 2002. He said parole rates prior to 1992, which were as high as 68 percent, were not at the “right levels,” but that rates after the parole board was reconstituted in 1992 of about 48 percent were also not right. In the past three years, he said, rates climbed to 50 percent “almost 70 percent of the time.” The average rate through October 2005 was 54 percent.

“You may not always agree with our decisions but that’s not your name on the parole order,” Rubitschun said, adding that he had signed the order releasing a man who went out and killed his ex-girlfriend and her children. “I believe this was the correct decision, though it wasn’t the outcome that anyone hoped for or expected. It was a tough thing to weather.” Rubitschun said the board had bad information on the case.

Decrying high parole failure rates of four out of every 10 people paroled (which includes both technical violators and parolees with convictions for new crimes), Rubitschun said a business with a 40 percent failure rate would go into bankruptcy.

The best way to increase paroles, he said, is to increase the board’s “comfort level” in making positive decisions. That can be done, according to Rubitschun, through efforts such as the Michigan Prisoner Reentry Initiative (MPRI) and the residential drug treatment programming found at a few prisons.

Rubitschun said the board has paroled about 90 percent of all those completing the residential drug treatment program. People who go through the MDOC’s Intensive Reentry Unit at the Cooper Street Correctional Facility in Jackson have already been approved for parole pending completion of the four-month program.

“I think we need to enhance the likelihood that someone we feel is a good risk will remain a good risk. You want to get the offender into the community with as few barriers and as many opportunities for success as possible,” he said. The board has been supportive

of the MPRI and involved in the development and implementation, he said.

Rubitschun defended the qualifications of the current board members. Although they are appointed by the MDOC director, who is, in turn, appointed by the governor, Rubitschun said he does not view them as political appointees. There are three members – he, Miguel Berrios and James Quinlan – who have about 100 years of corrections experience between them.



*John Rubitschun addresses CAPPS members*

He said he is working to use technology to improve the board’s operation and cited the increase in use of video conferencing for parole hearings to save money. This has also speeded up parole decisions from a month or more to three days. About 55 percent of the 24,000 annual parole interviews will eventually be held via video conferencing, he said.

He told the group that the board has worked to reduce the number of people past their parole eligibility date. He described the process in which some prisoners denied paroles are considered for re-parole sooner than originally scheduled. He said about 1,000 prisoners were paroled earlier than scheduled as a result.

Regarding parolable lifers, Rubitschun said he “believes and senses there is more willingness (among board members) to look at cases for possible release. I’m not going to forecast wholesale release of lifers, though,” he warned.

He defended the number of lifer paroles granted yearly by the current board, saying that there have

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## Annual membership meeting features parole board chair

been 12 granted so far this year and two more are in process. He said, "You have to go back 30 years to 1976 to find a year with more paroles granted – 14."

Asked if the board ever compares life sentences imposed decades ago to the terms people would receive under current sentencing guidelines, Rubitschun said, "No."

Rubitschun said the board is looking for dynamic factors that can be changed and which will also predict success on parole. "A lot of factors are static and they don't change; once people are stigmatized by certain factors, they'll always be described as at risk."

He described the parole decision-making process as an "art not a science, though we're trying to make it as scientific as possible."

Rubitschun was asked about the board's use of input from facility staff who see prisoners daily.

He said that while they want factual information about a prisoner's behavior in the living unit, they are not interested in the opinions of people they don't know.

When he was asked about the significance of the minimum sentence, he said: "It's the threshold that has to be attained before we can exercise our judgment, but it's not a guarantee to get out on parole. If that weren't the case we wouldn't have an indeterminate



*Brenda Moore (left) with Nick Lazin*

sentencing structure. We would have a determinate structure."

He told those at the meeting that: "No one is entitled to parole. There is no presumption for parole as I read it, and the law doesn't require us to provide a reason for having no interest (in proceeding to a public hearing on lifers)."



*Board members Penny Pestle (left) and Gene Beerens*

## Ron Bretz takes reins as chair of CAPPs board of directors

Ronald j. Bretz, a professor at the Thomas Cooley Law School, is the new president of CAPPs. He succeeds Robert Grosvenor, whose term expired this year.

Bretz was an assistant defender with the State Appellate Defender Office for 20 years before joining the Lansing law school.

He has served as a board member of Legal Aid of Central Michigan and taught at seminars sponsored by various organizations of judges and lawyers. He is an expert on the use of serology and DNA scientific evidence and has published and lectured extensively in this area.

He holds a law degree came from Wayne State University and a bachelor's degree from Michigan State University.



## Outgoing CAPPS president saluted for mentoring, leadership

Robert Grosvenor, president of the CAPP Board of Directors since the organization began, was praised for his mentoring, advice and leadership during the annual membership meeting in October.

The occasion was the expiration of his four-year term office.

Executive Director Barbara Levine presented Grosvenor with a framed poster featuring a collage of photographs of past and present board members, CAPP staff, and other CAPP members.

Levine said Grosvenor, who is the executive director of the Michigan Conference of the American Association of University Professors, came to CAPP “because he understood from day one that every dollar that goes into corrections is a dollar that is not available for higher ed and other critical social needs.”

During his four years as president, Levine said, “Bob has done far more than just keep board meetings under control, and sign checks and letters to contributors. He has brought new members to the board and to the organization. We have gone to numerous meetings together, including lifer chapters at various prisons.”

She said Grosvenor “has been an advisor, a mentor and a role model. Time and time and time again I have gone to him to work out problems, ask his advice and just think through positions. Never one to pontificate or chat aimlessly, he always cuts through to the heart of the matter and reaches a carefully reasoned, completely principled position.”



*Executive Director Barbara Levine presents poster to Robert Grosvenor*

Levine called Grosvenor “an incredible role model, giving me a vision of how active and engaged I can hope to be when I reach 80. So even though he’s leaving the president’s post, I’m grateful that he isn’t leaving CAPP. He’ll still be attending quarterly board meetings where we can all benefit from the breadth of his experience, the clarity of his vision and the depth of his concern for others.”



*Ron Bretz, left, takes the gavel from outgoing president, Robert Grosvenor.*

## Grant allows wider distribution of CAPPS' lifer video

A \$5,000 grant recently awarded to CAPPS by the Lansing Area Community Trust will allow greater distribution of the video produced by CAPPS last year on parolable lifers.

The grant will cover the expense of having volunteers present the video, *The Meaning of "life": Restoring Fairness to Michigan's Parole System*, to faith-based and civic groups in Ingham, Eaton, Clinton and Jackson counties. The goal is to make about 60 presentations by December 2006.

At a training session held on March 18, 2006, lobbyist and advocacy trainer Jean Doss taught eight volunteers how to introduce the video, handle questions, promote discussion and encourage active support for changing the lifer review process.

Gail Light, CAPPS communications specialist, will administer the project. In addition to developing and distributing written materials, she will identify potential audiences and arrange speaking engagements. Anyone who would like to suggest a possible presenta-

tion site in one of the four named counties should call Light at 517-482-7753, e-mail her at [glight@capps-mi.org](mailto:glight@capps-mi.org) or write to her at CAPPS.

The video has already been sent to policy makers and the media. It may also be viewed on the CAPPS website — [www.capps-mi.org](http://www.capps-mi.org). CAPPS is seeking additional funding to expand the public presentation project to other counties.

CAPPS was able to produce the 18-minute video through the generosity of several volunteers. It explains the plight of parolable lifers and features former MDOC director and CAPPS board member Robert Brown Jr., former parole board chair Gary Gabry and former Ingham County Prosecutor Donald Martin. Also appearing on the video are the relative of a murder victim, the wife of a lifer and one of the few lifers who has been released in recent years.



### Video team members feted

*Executive Director Barbara Levine (left) presents specially-designed posters commemorating the work done on the video about parolable lifers -- "The meaning of life: Restoring fairness to Michigan's parole system." Center is Mark Hamilton, producer. Right is Robert Gielow, a CAPPS member who came up with the idea and worked with CAPPS to make it happen.*





## Pending legislation would impact cost/size of prison system

A number of bills pending in the Michigan legislature are of particular interest to CAPPS members. All would ultimately affect the cost and/or the size of the prison system in some way. Note that the introduction of a bill in no way guarantees ultimate passage. Those which are enacted are often changed substantially in the process. People who wish to comment on any of the proposed legislation should write to their senators or representatives.

### Access to Treatment and Educational Programs

SB 1019, sponsored by Sen. Mike Bishop (R-Rochester), would address the difficulties many prisoners have had getting into and through MDOC treatment and educational programs, particularly the 44-week

Find your legislators by linking to the CAPPS website ([www.capps-mi.org](http://www.capps-mi.org)) and looking under [Legislative Links](#) in the navigation panel on the left. This link also contains a listing of legislators on committees that consider corrections legislation, including the MDOC budget.

group therapy program for assaultive offenders (AOP).

The bill would require the MDOC to maintain statewide lists of people awaiting placement in recommended programs and to make reasonable efforts to transfer people, within appropriate security classifications, to facilities at which they can complete the program before their first parole eligibility date. The bill would also permit the parole board to defer its decision for up to three months to permit someone already enrolled in a program to complete it.

The Bishop bill embodies some of the recommendations made by CAPPS and the American Friends Service Committee in their April 2005 report, *Penny-wise and Pound-foolish: Assaultive offender programming and Michigan's prison costs*. CAPPS strongly supports the

bill but proposed two amendments. One would prohibit transferring people participating in recommended programs unless necessitated by a medical or security reason; the other would permit deferring parole decisions for up to six months, rather than three.

The MDOC opposed the bill as unnecessary because reforms have already been instituted. A statewide waiting list for AOP now exists, and people are being transferred to gain access to that program. As a result, the bill has stalled in the Senate Judiciary Committee.

The reforms were required by boilerplate language in the 2006 budget. CAPPS is seeking to have the same boilerplate added to the budget bill for FY 2007. It appears in the version of the budget bill recently passed by the Senate but has yet to be considered by the House Appropriations Subcommittee on Corrections. Ultimately, passage of SB 1019 is still desirable, not only to place these requirements permanently in statute but to ensure that they apply to all programs that can affect parole consideration, not just AOP.

### Other Bills Affecting the Parole Process

Two bills introduced by Sen. Michael Switalski (D-Roseville) address aspects of the parole board's review process. SB 155 would require the board to personally interview people serving life sentences after service of 10 years and every five years thereafter. This would eliminate the practice of determining the board has "no interest" based solely on a file review.

SB 1008 would require the board to interview every year each alien who is subject to an order of deportation upon release from incarceration. For further discussion of this bill, see the supplement to this issue of the newsletter, *Foreign nationals in Michigan prisons*.

Neither of Sen. Switalski's bills has yet been scheduled for Judiciary Committee hearings.

A package of bills, HB 5129, 5130 and 5131 that would restore the old system of generous good time credits and apply it retroactively to current prisoners has been introduced by Rep. George Cushingberry

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## Proposed laws focus on juvenile LWOP, continue drug reforms

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(D-Detroit). These bills would undo Michigan's "truth-in-sentencing" scheme, which is strongly supported by prosecutors. For that reason, it would appear that passage is unlikely.

### Juveniles Sentenced to Life without Parole

Sen. Liz Brater (D-Ann Arbor) has introduced a package of bills, SB 941 through SB 944, to bar Michigan juveniles from being sentenced to life in prison without the possibility of parole. Rep. Paul Condino (D-Southfield) introduced an identical package in the House, HB 5512 through HB 5515. The legislation would amend the Michigan penal code to authorize a term of years or parolable life as the sentence for first-degree murder when the defendant was under 18 at the time of the crime.

More than 300 people serving life without parole in Michigan's prisons committed their crimes when they were younger than 18. The bills would also grant the parole board jurisdiction to release these individuals once they had served 10 years.

Governor Granholm has indicated that she supports the legislative effort to eliminate mandatory non-parolable life sentences for juveniles. However, neither package of bills has yet been scheduled for a committee hearing. Copies of the bills and information about how to become involved in this advocacy effort are available at: [www.secondchancelegislation.org](http://www.secondchancelegislation.org)

### Additional Drug Law Reforms

On Valentine's Day over 120 members of Families Against Mandatory Minimums traveled to Lansing to urge their lawmakers to support bills that would continue the drug law reforms of 1998 and 2003. Rep. Bill McConico (D-Detroit) sponsored the three-bill package, HB 5654, HB 5655 and HB 5656. The bills will be referred to the House Judiciary Committee for action, although no date has been set for hearings. FAMM staff and volunteers are working to generate public and legislative support for this round of reforms.

As introduced, the bills would:

- Extend the 2003 early parole provisions to eligible individuals still being sentenced under the old mandatory minimum drug laws. This applies to those who committed drug offenses prior to March 1, 2003, but were sentenced after that date (pipeline cases).
- Require the parole board to conduct interviews (not file reviews) of all individuals serving parolable life sentences at 10 and 15 years, then every 2.5 years thereafter.
- Provide parole eligibility for individuals serving consecutive mandatory drug sentences after they have served their longest 2003-adjusted minimum drug sentence (makes consecutive sentences concurrent, for purposes of parole eligibility only).
- Provide parole eligibility at half the minimum sentence for under-50 gram drug sentences imposed prior to March 1, 2003 (excludes sentences imposed for violations committed while an individual was on probation or parole).
- Provide earlier parole eligibility to some individuals sentenced to long indeterminate sentences between the 1998 and 2003 reforms for "650" offenses.
- Repeal the harsh and unnecessary repeat drug offender statute (MCL 333.7413). Both the sentencing guidelines and the habitual offender statute allow judges to impose longer sentences for repeat offenses.
- Provide parole eligibility for those serving life without parole for a repeat over-50 gram drug offense under MCL 333.7413.

For more information about FAMM or the proposed reforms, contact Tom Burkert at (517) 487-1261, email him at [tomburkert@famm.org](mailto:tomburkert@famm.org), or write Michigan FAMM, PO Box 15007, Lansing, MI 48901-5007.

## *Sara Mares remembered for strength, kindnesses, devotion to causes*

CAPPS staff member Sara Mares, who died Dec. 14 from injuries suffered during a robbery at her home, is remembered by those who knew her as a devoted advocate for the disadvantaged and vulnerable – for newly arrived immigrants, for juveniles in the criminal justice system and for those in prison without hope. A 16-year-old Lansing youth has been charged with felony-murder, arson and car theft in connection with her death.

Mrs. Mares, 69, had been employed part-time by CAPPS for the past year performing clerical tasks and assisting with research projects. Among her most recent volunteer work was tutoring immigrants in English and helping to raise money for the Lansing Public Library.

When a nephew described Mrs. Mares as an avid mountain climber in Colorado as a younger woman, CAPPS Executive Director Barbara Levine said:

“The determination and endurance it takes to climb seemed to characterize all Sara’s endeavors. Though often in pain from a number of physical ailments, she never let them keep her down, and she never felt sorry for herself. She was very bright, organized and personable. We feel her absence keenly.”

Born on Oct. 9, 1936 in Chicago, Ill., Mrs. Mares earned a bachelor’s degree in English from Grinnell College in Des Moines and a master’s degree in education from Nazareth College of Rochester, N.Y. Later she moved to New York City where she taught English as a second language, worked as an English tutor at the Spofford Juvenile Center and volunteered as a nurse’s aid in a city hospital. She also held accounting and bookkeeping positions at various businesses in New York City and elsewhere, including Grand Rapids, where she moved in the early 1990s. She was an avid gardener and devoted companion to her cats, who died with her.

She was married to Jose Mares, who is serving a parolable life sentence in Michigan. The couple met in 1993 when she was a volunteer in Bible study at the



*Sara Mares*

Brooks Correctional Facility in Muskegon. They were married in 1999.

“It’s people like Sara with such big generous hearts that make this world a much brighter place to live in,” Mares said. “She would have given you her last dollar or meal and her coat off her back.” Her son, Henry, agreed. Although she lived on a very modest income, Henry said, she continued to donate money to worthy causes even when it left her short.

Mrs. Mares was active in the Emmanuel First Lutheran Church of Lansing. At a memorial service held there in December, church members, including the pastor, said she was an inspiration to others because of her knowledge of the scriptures and because her faith gave her peace and confidence, which she was able to share.

“She always had time to listen to problems and often tried to help,” said Gail R. Light, communications specialist for CAPPS. “Perhaps because of some of the tragedies she had suffered, including the death of a son, she was very empathetic.”

“She was patient in teaching as well as willing to learn new skills,” said LeAnn Voigtritter, administrative assistant. “Her experiences and knowledge in office management and bookkeeping helped us improve the organization of our office.”

Dena Anderson, CAPPS case researcher, said: “I know Sara’s death could fill us with despair, but I think it really underscores the need for CAPPS’ efforts to shift

**“I know Sara’s death could fill us with despair, but I think it really underscores the need for CAPPS’ efforts to shift some of the resources Michigan is wasting on prisons into prevention.”**

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Besides Mrs. Mares’ husband, survivors include her son Henry Harris, a wealth manager residing in North Carolina with his wife Julie and their seven children, and nephew Edward Yagi. She was preceded in death by her first son, Thomas, who succumbed to cancer in 1977.

## Gladys Wilson spends Xmas, 2005 with daughter, grandkids

### Parolable lifer leaves prison after 27 years

Gladys Wilson, a parolable lifer profiled by CAPPs as an example of unfair changes in parole policy, was paroled Dec. 6 after spending 27 years in prison. She has moved to South Carolina to live with a daughter.

The *Detroit Free Press* and *Booth Newspapers* carried columns on Wilson's release, noting the length of time she spent in prison and the fact that she is one of about 850 people who have been eligible for release for some time but who have been denied parole because of the current parole board's "life means life" philosophy.

In 1978, Wilson, the 31-year old mother of an 11-year-old girl, had no criminal record. However, she and her husband, Jerry, were having marital and financial problems. When Jerry decided to rob a Berrien County grocery store, Wilson agreed to drop him off and pick him up later, after the store had closed. When she picked him up, he had not only robbed the store but had killed the manager.

Charged with aiding and abetting felony-murder, Wilson cooperated with the police in her husband's prosecution. She was allowed to plead guilty to aiding and abetting armed robbery.

Although sentenced to parolable life, everyone involved assumed she would not serve much more than 10 years. When the previous board notified the successor sentencing judge of its interest in proceeding toward a public hearing in 1993, the judge objected, saying he wanted Wilson to serve 20 years. At 20 years, however, the board did not re-contact the judge. It denied release in 1998 and again in 2003. However, in 2005, the board reconsidered her case after getting additional information.

Now 58, Wilson told Peter Luke of *Booth*: "I did 27 years and I had enough days that I was bitter and enough days that I was angry, so I'm only looking for

the future and what the future has to offer."

In the *Free Press*, editorial writer Jeff Gerritt urged the board to give parole-eligible lifers regular face-to-face reviews, preferably every two years: "The board can still deny a parole for cause, but the current practice of simply reviewing the files for parolable lifers every five years makes it too easy to overlook cases like



**Gladys Wilson walks out the gates of Scott Correctional Facility for the last time.**

-- Photo by Kimberly P. Mitchell of the *Detroit Free Press*

Wilson's."

Said Gerritt: "Wilson made a terrible mistake and paid a terrible price. She's learned a lot from her life.

"Maybe the legislature and state parole board, struggling with a costly and crowded prison system, can learn something from it, too."

## 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

#### Curtis Davis, Jr. No. 258860

*Curtis Davis was removed from the GED program to participate in the Assaultive Offender Program (AOP), and removed from AOP a month later because he hadn't completed his GED. It was three years before he could re-enter AOP. Meanwhile, the parole board denied Davis parole twice for "lack of insight into his assaultive behavior," and denied him for a third year after he successfully completed AOP.*

Curtis Davis, Jr. was raised in Detroit by his grandmother, along with nine other boys. He left home at age 13, but continued attending school until he dropped out during 10<sup>th</sup> grade. On his own and too young to get a "real job," Davis sold drugs for a living and carried a gun "for protection." Nonetheless, he had no juvenile or adult felony record.

In July 1996, when he was 19, Davis got into an argument with a man with whom he'd had a prior confrontation. He shot the man several times and the victim died two days later. Davis pled guilty to second-degree murder and felony firearm. Although the sentencing guidelines called for a minimum term between 10 and 25 years, the judge found that the circumstances warranted a guidelines departure and sentenced him to a minimum of 6 years and a maximum of 20 years, plus 2 for the gun.

After only 1½ years in prison, Davis was transferred to the camp system, where he has remained since 1999. He worked in food service as a server and cook; currently he is a housing unit painter. A typical work report reads:

*Mr. Davis is an excellent worker, always asking if there is anything else to do. He works well with everyone, has an excellent attitude, very dependable, willing to work his off days...Gives his job 100%.*

Davis began working toward his GED when he went to prison in 1997. In April 2001, he was removed from that program and transferred to Camp Tuscola specifically to enter the 44-week Assaultive Offender Program (AOP). After only four sessions, Davis was terminated from AOP and transferred again, because he hadn't completed his GED! In January 2004, Davis was granted

a GED waiver because it was judged he had learning impairments that prevented further progress. In August 2004, he finally was able to gain re-admission to AOP

Meanwhile, when he first became eligible for release in 2003, the parole board continued Davis in prison for an additional 12 months because, it said, during his interview he did not show "remorse or insight into his actions" – issues AOP is designed to address. The following year, the board continued Davis' incarceration for another 12 months because he had not completed AOP.

The parole board interviewed Davis again in January 2005. It deferred its decision pending his successful completion of AOP in April. In his final report, the AOP therapist called Davis "one of the more honest and forthcoming members" of the group. He judged that Davis had "a good intellectual and affective appreciation of the effects of his offense on his victim, his family, and himself." The therapist further stated that Davis' Relapse Prevention Plan "demonstrates that he has spent a good deal of time thinking about and working on his own personal risk factors for re-offense....He has organized possibilities for residence, employment, and community support." The report expressly noted that substance abuse was not a major problem for Davis and that, to the extent it was an issue, he had addressed it on his own initiative as well as through MDOC programming.

Davis has shown no assaultive behavior during his nine years in prison. In fact, he has no major misconduct tickets of any kind. For three consecutive years the board scored Davis "high probability for parole" on its own guidelines, including giving him two positive points for "situational crime, unlikely to recur."

Nevertheless, after receiving Davis' AOP report, the board continued his incarceration a third time – until August 2006. Required by statute to give a "substantial and compelling reason" for departing from the parole guidelines, the board said:

*Despite completion of therapy, P[risoner] needs to develop a community program to address on-going substance abuse and assaultive issues. PB lacks reasonable assurance that P is not a danger to the public safety. PB recognizes that P is making progress.*

## **Paper urges state to revise parole policy**

### **Detroit News considers aging and ill prisoners**

The old and incapacitated being held in Michigan prisons came under the scrutiny of the *Detroit News* recently. In a feature story entitled, “*Medical care saps Mich. prisons,*” printed on Dec. 28, 2005, reporter Francis X. Donnelly talked to aging prisoners at the Coldwater Correctional Facility.

He described the facility’s geriatric unit as looking like “an old folks’ home surrounded by uniformed guards and concertina wire.” The physical ailments of prisoners there, many in wheelchairs, include strokes, diabetes, epilepsy, cancer, HIV, Parkinsons’ disease, Lou Gehrig’s disease, kidney and liver failure and amputations.

Donnelly reported that criminologists say that the state’s parole board became one of the toughest in the nation during the 1990s. He cited programs in Virginia, North Carolina and Maryland which release elderly inmates.

“In Michigan, the state’s toughness with inmates comes with a price,” wrote Donnelly. He said the number of Michigan prisoners older than 60 has risen from 960 in 1999 to 1,557 this year. The overall population increased 11 percent during that time. Inmates over age 50 account for 13 percent of the prison population.

The annual cost of jailing an elderly inmate is three times higher than a younger one, \$69,000 vs. \$22,000, wrote Donnelly, citing statistics from the National Center of Institutions and Alternatives. If inmates were released, they could be eligible for Medicare or Medicaid, transferring the financial responsibility from the state to the federal government, Donnelly wrote.

In a follow-up editorial on Dec. 31, 2005, the *Detroit News* said that Michigan puts too many people in prison and keeps them there too long.

“Given the growth in the state’s prison expenditures, parole policy has to be revised,” the editorial said.

The editorial noted that the parole board only granted parole in one-third of the cases involving a violent crime, down from more than 60 percent in 1990. Only 13 percent of the parole applications from sex offenders were granted, compared with almost half in 1990.

“Somewhere between granting six in 10 parole applications for violent offenders and only granting three in 10, there is a sensible parole policy. And given the low risk and high cost of housing elderly prisoners, releasing them is the best place to start crafting that policy,” it concluded.

## **CAPPS director takes issues on the road**

Executive Director Barbara Levine was invited to two conferences last fall to talk about CAPPS’ goals and recommendations for parole reform. One conference was held by the Michigan Federation for Children and Families and the other was held by the Criminal Defense Attorneys of Michigan. Both conferences were held in Traverse City.



*Conference Trio*

From left, Elizabeth Carey, executive director of the Michigan Federation for Children and Families (MFCF), Rose Homa, executive assistant of MFCF and a member of the CAPPS Board of Directors, and Barbara Levine, executive director of CAPPS, at the September conference in Traverse City.

## Generous support for CAPPS is appreciated

In the last issue of *Consensus*, Executive Director Barbara Levine explained the need for financial support from members to enable CAPPS to continue its work. In this issue, we want to thank everyone whose generous contributions help keep the rent paid, the copier running and the staff drawing their (modest) paychecks.

Every member, at every level, helps. When hundreds of \$10 and \$25 donations are combined with dozens of \$100 donations from individual and organizational Partners, they keep the doors open for another month.

There are, however, some members whose contributions in the last 12 months at the Patron level and above we would like to recognize individually.

Annette Johnson, of New York, has once again given CAPPS \$10,000. This extraordinary gift has enabled CAPPS to go beyond basic operating expenses and conduct the kind of careful research on which our long-term success depends.

Jeanette Marcinowski, of San Antonio, greatly helped close the gap between our foundation funding and our operating expenses with a generous gift of \$5,000.

Kathleen Schaefer, of Professional Probation and Parole Consultants in Detroit, has pledged \$2,000 that will help enormously throughout 2006.

Generous donations of \$1,000 were made by Dorothy Levine, Grand Ledge, and by the Mission Committee of the Presbyterian Church of Okemos.

Also greatly appreciated are contributions at the Benefactor level from Margaret Raben, W. Bloomfield; Patricia Streeter, Ann Arbor; and Project Rehab, Grand Rapids and contributions at the Patron level from Michael Barnhart, Ann Arbor; Jan BenDor, Superior Township; Janet Findlater, Ypsilanti; Dov Lustig, Birmingham; Penny Pestle, Grand Rapids; Carol Rienstra, Grand Rapids; Larry and Honorene Skover and family, Shelby Township.



Finally, a group of lifers from the Lakeland Correctional Facility collected \$319 for CAPPS.

In thanking the men for their contributions, Levine wrote them that CAPPS was “moved and deeply grateful” for the donations.

“Your support for CAPPS with this kind of fundraising is overwhelming. We understand what it took for each and every person to make their individual contributions and the energy and persistence it must have taken to organize the group as a whole,” Levine wrote.

“While obtaining meaningful parole consideration for lifers is just a part of the CAPPS agenda, it is a very important part to all of us. We will continue to press the issue in every way we can.”

Those donating: Morris Abrahams, Marcellus Alderson, Charles Armaly, Josephy Bazzetta, William Brown, Keith Burd, Nick Bush, Sammie Cannon, Jorge Chansuolme, John Clay-Bey, Aubrey Cotton, Kenneth Daniels, Jerry Edwards, Gregory Etchison, John Ewing, Rondell Falconer, Obbie Franklin Jr., John Frizzle, Gerald Frost, Wayne Gilmore, George Hall, Dorchester Harris, Derrick Harris, David Hawke, James Hayton, Dwight Henley, Robert Higgins, Edward Higley, Ricky Hill, Roy Jackson, Kenneth Kenny, Glen Keys, Bradley Koss, Thomas Lewis, Elton Lewis, Earl Loftis, Scott Maarleveld, Rudolpho Martinez, Fernando Mata Jr., Lonzie McQuarter, Louis Morgan Jr., Gary Nicholson, Joseph Page, Robert Palmer, Charles Sankey, Robert Schraw, Kevin Scurry, Ernest Sharbnaw, Roderick Shepard, Terrance Silver, Claire Slick, Johnnie Thomas, Lloyd Tisi, George Torres, Lee Vaughn, Ralph Volpe, Bruce Weaver, Ellsworth White, Robert Williams, Jerome Wilson, Daniel Wolfe, Jeffrey Young and George Zugel.

Donation categories are: Prisoner -- \$10; Student -- \$10; Friend (individual/family) -- \$25; Supporter -- \$50; Partner (individual/organization) -- \$100; Patron -- \$250; and Benefactor -- \$500.

**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.*

## 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](mailto:capps@capps-mi.org); Web site: [www.capps-mi.org](http://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: \_\_\_\_\_