

CONSENSUS

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AUGUST VOTE WILL AFFECT POLICY IN JANUARY

People concerned about the size and cost of Michigan's prison system should be sure to vote in the August 6th primary. The five candidates for governor – Democrats James Blanchard, David Bonior and Jennifer Granholm and Republicans Dick Posthumus and John Schwarz – take fundamentally different approaches to corrections issues. In general, Posthumus and Granholm favor current sentencing and parole policies, while Blanchard, Bonior and Schwarz support making various changes. Corrections policies for the next four years will be determined by who wins the primary.

CAPPS sent four questions, regarding corrections spending, parole policies, re-entry services, and mandatory drug sentences, to all the candidates. Only Representative Bonior and Senator Schwarz provided answers. These are reprinted in full at pages 6 and 7.

On June 21st, the Detroit News printed all the candidates' answers to several similar questions. Those answers are summarized here to help readers make informed choices.

Asked **whether the prison system is too large**, Blanchard said it "probably" is and that the corrections system "needs a complete overhaul." Bonior said the system has become

too costly and that it houses too many mentally ill people who should be treated in mental health facilities. Schwarz said the system is too large and noted that paroling 4,600 eligible prisoners might permit the closing of as many as 6 prisons. Granholm said "the current system is necessary" to protect citizens until the goal of reducing the root causes of crime is reached. Posthumus asserted that crime rates are down because more people are locked up and said that he had "led the battle to...build more prisons."



Asked **whether parole/probation policies are adding to costs by keeping inmates in prison longer than necessary**, Blanchard supported reviewing parole and probation regulations. Bonior advocated doing "more to sort out the offenders who aren't a threat to the public" and to find "a more cost-effective way to

handle non-violent offenders guilty of technical parole violations". Schwarz said that Michigan's parole regulations, tightened some years ago because they were too lenient, should perhaps be reviewed, and that people who were ready for parole, under parameters set by the courts and the DOC, should be paroled. Granholm responded: "Crack down on probation and parole violations...If they violate the law, send them back to prison." Posthumus asserted that renaming the parole board the "denial board" is "not a bad badge to wear" and that "violent, dangerous criminals" should not be released "just because they behaved behind bars."

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Prisons and Public Safety**

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Asked to list three practical crime-prevention measures for Michigan, Blanchard suggested targeting high crime areas with a combination of neighborhood crime prevention measures and traditional law enforcement, training local police in the techniques of community policing, and placing greater focus on improving early childhood education. Bonior suggested reducing truancy through after-school programs and community centers, encouraging community policing, and promoting community economic development that would boost available jobs. Schwarz suggested having a drug court in each judicial circuit; making sure all police departments have adequate manpower, equipment, and access to State Police services, and ensuring that the State Police are fully staffed and trained. Granholm responded: "Crack down on probation and parole violators," use improved police technologies to focus resources better in high crime areas, and toughen laws against drive-by shooters. Posthumus suggested jailing convicted felons and violent juveniles for a year if caught with a gun, ending Wayne County's jail crunch by auditing revenue sharing funds designed for such basic services as jails, and getting the sex offender registry [found unconstitutional by a federal judge because it lacks privacy protections for currently non-dangerous ex-offenders] back on-line.

VISIT THE CAPPS WEBSITE

www.CAPPS-MI.org

facts about Michigan prison growth

news about CAPPS activities

contact info for key legislators

links to other helpful sites

MY POINT OF VIEW

By Robert C. Grosvenor, President



I had my first contact with the Michigan Department of Corrections more than 50 years ago. As a Representative of the American Federation of State, County, and Municipal Employees (AFL-CIO) I was assigned to organize Michigan state civil service employees, including those at Michigan's three prisons - Marquette, Jackson and the Michigan Reformatory at Ionia. As the number of prison facilities slowly expanded, we organized them too. When I became Executive Director of the Michigan Trial Lawyers Association (MTLA) in 1972, I continued my contacts with the DOC. Through the 1970s and 1980s I observed the steady buildup of the number of prison facilities and often wondered about it.

In 1990, I became Executive Director of the Michigan Conference of the American Association of University Professors (AAUP). Since then, I have watched the "explosion" in the prison population throughout the 1990's from the perspective of higher education.

At first, I noted that while annual budget increases for higher education were in the 4-5 percent range, the increases for the DOC were in double digits. This didn't seem to be a problem as long as the economy was robust. However, the State's percentage of tuition has steadily declined over the years. This initially resulted in annual tuition increases about equal to the cost-of-living. Then the "economic bubble" burst in 2001 with the downturn in the economy. Appropriations increases for higher education for 2002-2003 were the lowest in over a decade. In the coming year, tuition increases alone at the various state colleges and universities will average nine percent. Such steep increases require students to spend more time working and less time studying. They threaten the ability of some students to stay in school altogether.

Sixty percent of the State's \$9 billion General Fund budget is divided among just four areas: community health, higher education, corrections, and the Family Independence Agency. In 1986, Corrections accounted for 5.6 percent of GF spending; by 2001, its share had more than tripled to 17.3 percent. In the thirteen years from 1991-2003, higher education spending will have grown by \$618 million, an increase of 52 percent. During the same period, the MDOC budget will have grown by nearly \$896 million, an increase of 122 percent. The current GF appropriation for higher ed is \$1,812,643,516; for the MDOC it is \$1,627,858,800. If Corrections continues to grow at the same relentless rate, its budget will soon surpass that of higher ed. What does this say about our priorities? And what does it say about the kind of future we are planning for our children?

The DOC has admitted that all the growth in the prison population for the last ten years has been due to changes in parole board policies. Articles in this newsletter explain that nearly half the prison population is now composed of people who are eligible for parole. Although there is no evidence that current parole board policies make us any safer, we are paying hundreds of millions of dollars to house people who could be supervised in the community.

As the state's budget crisis worsens, the questions about how to allocate scarce resources among important state services will keep getting harder. It is incredible to me that the answers are being dictated in large part by ten political appointees on the parole board whose decisions are virtually unreviewable. Realistically, we will never return to the time when the entire prisoner population could reside in three prisons. But isn't it about time we asked whether we have gone way too far in the other direction? And shouldn't policies that impact the availability of funds for all critical services result from informed public debate, not closed-door decisions by one unaccountable board? Promoting that debate is what CAPPS is all about.

WHO IS FILLING 21,000 PRISON BEDS? MDOC Won't Give Information on Parole Eligible Prisoners

In June 2001, long-time prisoner advocate Dena Anderson was writing an opinion column on parole board policies for the Lansing State Journal. She contacted the Michigan Department of Corrections and made a startling discovery: 20,800 prisoners, then 44 percent of the entire prison population, were serving past the earliest date on which, by law, they could be released on parole. That is nearly three times the proportion of the prisoner population that was parole eligible in 1991. It is 8,000 more beds than were being devoted to parole eligible prisoners just four years earlier, in 1997.

CAPPS tried to learn more about these stunning figures. How many of these prisoners are being denied parole in the first instance and how many are parolees returned to prison for technical violations, like substance abuse and failing to report? What were their offenses, how long past their first release dates are they, and how favorable were their parole release guidelines scores? How many prisoners have been granted parole, but given release dates months into the future? Citizens need the answers to such questions in order to assess how their tax dollars are being spent. Is the parole board really just protecting us from currently dangerous offenders, or is it warehousing thousands of men and women who could function under appropriate community supervision at far less cost?

During the fall of 2001, CAPPS made repeated requests for this data under the Freedom of Information Act (FOIA). However, no matter how the requests were phrased, the MDOC responded that it did not have data like this compiled.

CAPPS then turned to the legislature. It offered testimony before the Senate and House Corrections appropriations subcommittees. CAPPS suggested that legislators should understand what they are paying for before approving a \$1.6 billion MDOC budget. It demonstrated how nearly 7,000 prisoners could be released from secure facilities, at an annual savings of \$118 million, if more prisoners received community placements, more were paroled, and fewer technical parole violators were returned. CAPPS urged legislators to amend the MDOC appropriations bill to require the Department to provide data about parole eligible prisoners before January 2003. (See complete House testimony at www.CAPPS-MI.org.)

The CAPPS proposal received substantial attention. Senator Alma Wheeler Smith offered an amendment to the MDOC appropriations bill in the Senate and Rep. Triette Reeves offered one in the House. The MIRS Capitol Capsule devoted nearly a full page to summarizing CAPPS' House testimony. And the Detroit Free Press ran an editorial urging the legislature to obtain the data CAPPS had requested, noting it was information "the department ought to want to know for its own purposes."

In the end, no statutory reporting requirement was imposed for the coming fiscal year. However, the MDOC did make a written commitment to the chair and vice-chairs of the House appropriations subcommittee that it would provide selected data by February 2003. Although the information being supplied "voluntarily" is far less than CAPPS sought, it is a start.

CAPPS hears constantly about prisoners with good institutional records being denied parole repeatedly. It hears about parolees being returned to prison for three years for relatively minor technical violations. In December 2001, the board advanced the release dates of 611 prisoners who had already been granted parole, further demonstrating its direct control over the availability of scarce prison beds. CAPPS cannot accurately assess the rationality and cost-effectiveness of parole board policies without complete information. But the number of parole-eligible prisoners is so staggering, and so radically out of proportion to historical practices, that CAPPS will continue to press for the disclosure of detailed data about all the prisoners the MDOC keeps by choice, not by law.

THE CAPPSULE: NEWS ABOUT THE ORGANIZATION

Three members of the original board of directors have had to resign because of other commitments. They are Heather Carr (one of CAPPS' founding members), Sharon Rivera, and Joyce Dixon-Haskett. New members are **Caitlin Smith**, a U-M student; **Victoria Hollis**, representing the views of former prisoners; and **Rose Homa**, Executive Assistant, Michigan Federation of Private Child and Family Agencies. There is currently one vacancy on the board to be filled at the November meeting. Members interested in serving should contact President Bob Grosvenor.

CAPPS owes enormous thanks to several volunteers who have given generously of their time and provided services we would have been hard-pressed to afford. Attorney **Robert Shaya** of Farmington Hills prepared our IRS application for charitable organization status. **Nick D'Isa** and **Ozzie Norris** each worked on getting our computer system up and running. **Linda Chapel Jackson** designed and launched our website. These contributions have been critical to our ability to function. They are greatly appreciated.

CAPPS held its second annual conference, in conjunction with the Michigan Council on Crime and Delinquency and the Michigan Collaborative for Juvenile Justice Reform, on October 29, 2001. The theme was "Correcting our Priorities", and the focus was on the problems, and solutions, common to both adult corrections and the juvenile justice system. Speakers included **Vincent Schiraldi** of the Center on Juvenile and Criminal Justice in Washington, D.C., **John Larivee** of Community Resources for Justice in Boston, **Rev. Bill McGill** of One Church-One Offender, Inc in Fort Wayne, **Frank Vandervort**, Director of the Child Welfare Research Center in Ann Arbor, and CAPPS' own president-elect, Cooley Law Professor **Ronald Bretz**. Over 100 people attended. Unfortunately, some CAPPS members did not receive timely notice of the conference because of a clerical error. We apologize for that oversight. This year, CAPPS will hold a post-election strategy session for members in lieu of a full-day conference. (See announcement below.)

CAPPS received its IRS designation as a §501(c)(3) charitable organization on July 20, 2001, making contributions to CAPPS tax deductible. The board subsequently adopted a revised dues structure that appears on the membership form on page 12. For CAPPS to keep growing in strength, we need to keep growing in size. Members are urged to get out the word!

MARK YOUR CALENDAR!!!

Thursday, November 21, 2002, 5:30 pm

CAPPS Annual Meeting and Post-Election Strategy Session

Cuby Jacks, 6527 S. Cedar, Lansing, Michigan

Join us for a buffet dinner*

Elect board members

Develop a plan for promoting new corrections policies under the new administration

*no registration fee, buy your own dinner

GUBERNATORIAL CANDIDATES BONIOR AND SCHWARZ RESPOND TO CAPPS QUESTIONS

1. At \$1.7 billion, the Michigan Department of Corrections accounts for 18% of all general fund spending, compared to just 3% in 1980. Since 1990, Corrections spending has grown at 6.5 times the rate of state spending generally, and the prison population has grown from 34,000 to 49,000. Do you think this is the most cost-effective way to protect public safety and, if not, how would you propose to reverse this trend?

REP. BONIOR: Protecting our families and communities from repeat offenders needs to be the highest priority of our corrections policies. Prevention is the best way to protect public safety and reduce prison growth. The expanding corrections budget and the increase in prisoners demonstrate that our state still has many remaining problems that need to be solved. I believe we should adequately fund and staff our correctional facilities, providing good wages, fair pensions and safe working conditions for correctional employees, but it is disconcerting when the corrections and higher education budgets are nearly equal. If we focus on education and involvement with our children when they are young, we can help prevent criminal behavior later in life. Our state can do this by increasing investment in our children. We can help our communities and schools support after-school and community sports programs, school counselors, vocational and technical training and college prep classes. Investing in our children now is the best way to reduce the number of individuals incarcerated in Michigan.

Second, we can reduce the prison rolls by addressing the current mental health crisis in Michigan. Roughly 30% of current prisoners in Michigan have some type of mental illness. Our jails and prisons should not be substitutes for mental health care facilities. We should be treating individuals with mental illness in proper facilities, with the care and compassion they deserve. As governor, I would work with the courts and mental health care professionals to develop a mental health assessment process for criminal defendants. We need a process to ensure that we are providing the best placement and treatment programs for those who have mental illness.

Lastly, we need to look at viable prison alternatives for certain non-violent, first time offenders. I would rely on a team of advisors to make recommendations for alternatives to incarceration. Finding substantive alternatives to prison, such as community corrections programs, education and training, and substance abuse treatment programs are ways our state can look to reduce the prisoner population and help slow the increase in corrections spending.

SEN. SCHWARZ: I do not think the current level of corrections spending is the most cost effective way to protect public safety. We need to take a long look at significant reductions in incarceration rates.

Sentences short of incarceration should be considered with nonviolent first-time offenders, most of whom are charged with drug offenses. One method of dealing with this cohort of offenders is drug courts. I believe every judicial circuit should have a drug court in place to help get drug offenders the help they need and keep them out of the corrections system.

2. All the growth in the Michigan prison system since 1991 — an increase of 14,640 prisoners — is attributable to more conservative decisions by the parole board, which was reconstituted in 1992 to be more responsive to the governor. Parole release rates have dropped dramatically and the number of people returned to prison for “technical” parole violations has swelled, although there is no evidence these practices reduce crime. About 21,000 prisoners, 44% of the total population, have served more than the minimum time required by law. What, if any, changes would you make in the current parole system?

REP. BONIOR: As governor, I would bring together Michigan Department of Corrections (MDOC) members, parole officers, prosecutors, defense attorneys, advocates, trial court judges, academics, and all others with a stake in the corrections system to review the entire corrections system including parole practices, the technical rule violation policy, parole officer training and caseload standards.

The transfer of the Parole Board to the MDOC has been a step backward. Making the Board independent again will help it regain some of the effectiveness it lost in the transfer.

SEN. SCHWARZ: Michigan has gone from one extreme to another with respect to parole. A system that was once too lenient is now too unrelenting. In almost all cases, violent criminals should not be paroled. In many instances, however, non-violent offenders serving time in the Department of Corrections (DOC) could and should be paroled.

3. The people in our prisons have high rates of poverty, illiteracy, substance abuse, mental illness, and medical problems, but few skills for parenting, employment, or coping with stress. The vast majority will be released sooner or later. **What do you think is the best way to promote the successful re-entry of prisoners to our communities?**

REP. BONIOR: Successful re-entry of prisoners into the community means that when released from prison, individuals will not become habitual offenders. Public safety and protection of our families is at risk when we send people back into the community without marketable skills. The MDOC can facilitate successful re-entry of prisoners into society by maximizing education and training within all correctional facilities in Michigan. The vast majority of prisoners will eventually be released. Providing every prisoner with the opportunity to gain a high school degree, vocational certificate, or acquire a useful trade or skill can effectively increase the abilities of inmates to better perform as productive citizens upon their release. We need to keep in mind, however, that this isn't simply about creating a productive workforce out of offenders, it is also about protecting public safety.

For those prisoners with minimal educational skills, we need to ensure access to basic education programs and materials. We need to increase treatment programs in our correctional facilities for those with substance abuse problems. And for those prisoners with mental illness, we need to offer them counseling and access to proper treatment.

SEN. SCHWARZ: Educational programs leading to GED should be enhanced, not diminished in the DOC. Vocational programs should be enhanced, not diminished. Half-way houses and community correction facilities have proven to be good step-down models. Cooperation by Michigan employers in hiring former inmates needs to be encouraged and perhaps subsidized. All of the above and more would make the reentry process more seamless and more successful.

4. From 60-80% of prisoners report a history of substance abuse. Drugs or alcohol are involved in the commission of 80% of all crimes, and over 10% of Michigan prisoners are serving sentences for the possession or delivery of illegal drugs. **How do you assess current efforts to deal with substance abuse, including the use of mandatory sentences for drug offenses, and what alternatives would you propose?**

REP. BONIOR: Mandatory minimums for certain drug offenses have not been effective and have brought further racial discrimination to our corrections system. As governor, I will work to see that we review mandatory minimums for drug offenses and ensure those with substance abuse problems receive the treatment they deserve. Our judges should be allowed to have more discretion in sentencing, especially for certain non-violent offenders with drug abuse problems. You cannot create a rule or law for every circumstance. Drug treatment is an excellent option for individuals with drug problems. While treatment may not be an option for everyone, it is necessary for persons with a history of drug abuse.

Substance abuse doesn't simply affect the victims; families and communities are adversely impacted. Our efforts to address substance abuse need to take into consideration the well-being of the families and communities most directly impacted. We should bring more judges and health-related personnel into the decision making process for prisoner drug treatment, using their expertise to reduce the incidence of drug abuse.

SEN. SCHWARZ: For certain drug offenses, especially those involving violence, mandatory sentencing should be swift and sure. In the vast majority of drug offenses, the offender is non-violent. In these instances, mandatory sentencing, while possibly indicated, should take into consideration each circumstance so that only those that truly deserve to do hard time actually do it. Many others, I suspect, would do just as well serving less than one year in a county facility, with probation, with or without a tether, or in an environment mandated by a drug court.

YOUR TAX DOLLARS AT WORK

Phyllis Dempster: 79 Year Old Denied Parole Three Times

Phyllis Dempster was convicted in 1981 of multiple counts of obtaining money under false pretenses and securities violations, for which she received a 1-10 year prison term. Similar charges were brought and dismissed in succeeding years. In 1994, when she was 71, she pled guilty to 12 counts of obtaining money under false pretenses and securities violations. She was sentenced to serve 6-15 years.

While incarcerated, Phyllis had a total hip replacement. She also suffers from diabetes. She became eligible for parole in December 1998. At that time, her parole guidelines score was “average probability of release” and the parole board continued her incarceration for 24 months. She was reviewed again in September 2000. This time she scored “high probability for release”, but the parole board once again continued her for 24 months, stating that because of her history and crime she was viewed as a risk.

Phyllis Dempster’s next parole review will be in December 2002. At that point she will be four years past her earliest release date and a few months shy of her 80th birthday.

Question: Is it really impossible to supervise an elderly woman, with no assaultive history, safely in the community?

Kimberly Dobbins: Parole Violator Needs Psychiatric Treatment

Kimberly Dobbins, now age 37, was sentenced in 1989 to serve 5-20 years for delivering one rock of cocaine to an undercover officer. She was paroled in 1994, but while on parole was convicted of accosting and soliciting, for which she received 1-2 years, and felonious assault, for which she received 1-4 years. She was paroled twice more, most recently in January 2000. Each time, she returned to drug use and prostitution and failed to participate in treatment or take required medication. In recommending that her last parole be revoked, her parole officer characterized her as being “in dire need of intense psychiatric treatment.” The parole board reviewed Kim in August 2000 and continued her incarceration for 12 months. The board reviewed her again in May 2001 and continued her for another 18 months.

Question: Is prison the best we can do for mentally ill offenders in need of a structured placement?

Gladys Wilson: Lifer Has Served 14 Years More Than Anyone Intended

Gladys Wilson pled guilty to aiding and abetting an armed robbery in 1978. She was 31 years old, employed, and had no prior record. Her husband, who is now serving mandatory life without parole, robbed a grocery store and killed the young night manager. Gladys’ involvement was peripheral and she cooperated with the police. At the time she pled guilty, parolable lifers were eligible for release after 10 years, and the judge, prosecutor and defense attorney all assumed she would not serve much more than that. In fact, the “old” parole board talked about releasing her as early as 1988, but never finished processing her case.

Today, Gladys is a middle-aged grandmother with an exceptional institutional record. The sentencing judge’s successor has told the board that 24 years is far longer than anyone expected her to serve and has urged her release. However, the current parole board takes the position that “life means life”, regardless of judicial expectations or the historical operation of the “lifer law”. It continued Gladys for five years in 1998, and will review her case again in 2003. It will not be required to conduct a personal interview at that time or give any reasons if it decides against parole. Its decision will not be subject to appeal.

Question: Are we safer because we pay nearly \$30,000 a year to keep Gladys Wilson in prison?

CAPPS AND THE MEDIA: KEEPING THE PUBLIC INFORMED

CAPPS' effort to inform people through the media about the policy choices that promote prison expansion is paying off. Because it analyzes Michigan Department of Corrections practices and expenditures as accurately as possible, CAPPS has increasingly become the "go to" organization for a viewpoint on prison growth other than that of the Department.

An op ed entitled "*Revamp Parole Policy: Redirect resources to crime prevention*", by CAPPS President Robert Grosvenor, which appeared in the Detroit Free Press on **July 23, 2001**, was widely read. (See page 10) A week later, the MDOC admitted in a Free Press article that all the prison growth in the 90's was due to parole board policies. CAPPS was quoted as questioning the effectiveness of those policies.

In **August 2001**, CAPPS Executive Director Barbara Levine appeared opposite MDOC spokesperson Matt Davis on Lansing political analyst Bill Ballenger's public radio call-in show.

In **November 2001**, CAPPS distributed an information packet to the media. On Sunday, **December 9, 2001**, the Lansing State Journal printed a lengthy front-page article called "*More Prisoners, Fewer Dollars*" in which Ms. Levine was among those quoted. A week later, the Journal ran an editorial urging the legislature to be "smart" as well as "tough", to assess the effectiveness of corrections spending, and to shift more resources to rehabilitating offenders.

CAPPS was quoted in a national report, "*Cutting Correctly: New Prison Policies for Times of Fiscal Crisis*", published in **February 2002** by the Washington-based Justice Policy Institute.

In **April 2002**, Ms. Levine testified on behalf of CAPPS at House appropriations hearings on the MDOC budget. She demonstrated potential cost savings and stressed the importance of obtaining data about the parole eligible prisoners being denied release so the public can see how its money is being spent. (See page 4) The **April 9th** issue of MIRS Capitol Capsule, widely read in state government circles, quoted her testimony in detail. On **April 29th**, a Detroit Free Press editorial urged legislators to require the MDOC to provide the data CAPPS had requested.

In **May 2002**, Ms. Levine, CAPPS board member Michael Reagan, President of Project Rehab in Grand Rapids, and MDOC spokesperson Davis appeared on the WGUV public affairs show "Newsmakers". On **June 27th**, the Lansing State Journal published an op ed by Mr. Grosvenor entitled "*Parole Board is Out of Control: Refusal to release prisoners is costing state massive sums.*" (See page 11)

While CAPPS is gradually reaching an ever larger audience, CAPPS members can increase the impact enormously by taking six simple steps:

1. Share this newsletter with family, friends, and organizations to which you belong.
2. Refer people to the CAPPS website at www.CAPPS-MI.org.
3. Reprint CAPPS material in organizational newsletters.
4. Write letters to the editor or opinion columns for your local newspaper. (And send copies of anything you get printed to CAPPS!)
5. Talk to editorial board members or reporters you know and encourage them to address the cost of prison expansion.
6. Write, call or e-mail legislators and candidates for office to let them know your position on issues affecting prison expansion.

See Revamp Parole Policy by Robert C. Grosvenor

See Parole board out of control by Barbara Levine

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