

CAPPS UPDATE

Addressing the human and fiscal cost of Michigan's over-reliance on incarceration.

INSIDE

Legislation Pgs. 1-4

Media Pgs. 4-6

Outreach Pgs. 6-7

STAFF

Laura Sager Executive Director

Barbara Levine Associate Director

Dena Anderson Research Assistant

Elsie Kettunen Research Specialist

Mary Lynn Stevens Development Director

Judith Miller Office Manager

Sue Long Office Assistant

Adrian Hemond Campaign Director

Seema Singh Communications

Herasanna Richards Crime Survivor Prog.

Lindsey Mason Detroit Organizer

Elaine Flowers Detroit Organizer

Noah Smith Capital Services

Jared Rodriguez Calder Group

Joshua Pugh Grassroots Midwest

Haley Hildebrand MSW Intern, MSU

Bailey Krestakos MSW Intern, MSU

Goodbye and Hello!

Seema Singh is leaving CAPPS to take a new position with the Pew Charitable Trusts. **Kate McCracken** has joined CAPPS as communications director. Welcome, Kate!



Author of "Writing my Wrongs," Shaka Senghor and his friends stopped by the CAPPS office to say hello right before speaking at the Library of Michigan.

Pictured left to right: Shaka Senghor, Calvin Evans, Jay Robinson. Herasanna Richards and Laura Sager, CAPPS staff members, are on the right.

Legislation

SAFE & SMART PAROLE & other parole reforms

CAPPS continues its push for Safe & Smart Parole Reform in 2017. We were anticipated a vote in late 2016, but the most ambitious criminal justice reforms were set aside at the end of the lame duck session, due to other legislative priorities.

CAPPS has developed broad-based support for Safe & Smart Parole Reform among a wide range of organizations, including business leaders, faith-based and crime survivor organizations.

You will receive more information about CAPPS's proposed reforms to the parole review process for parolable lifers and the status of medical parole legislation in the next issue of our newsletter.

On Page 4-6 you will find excerpts from an op-ed written by Michigan business leader Dick DeVos and a *Detroit News* editorial on Safe and Smart Parole Reform.

CAPPS testimony on technical parole violators

On Feb. 8, 2017, Barbara Levine, CAPPS research and policy director, testified before the Michigan Competitiveness Committee on SB 16, a bill that creates a pilot program to address inconsistencies in parole sanctions for technical parole violators. Levine called for the bill's provisions to be applied to all prisoners. She noted:

SB 16 designs a system of "parole sanction certainty" for conduct that violates parole conditions. The bill sets two standards. One prohibits incarcerating a parolee for more than 30 days as a sanction for a technical violation short of revocation. The other prohibits revoking parole for technical violations unless there is a significant risk to prior victims or the public at large that can't be managed in the community. These are excellent standards that are fair to parolees, protective of communities and sensible about using expensive prison beds.

The hitch is, under SB 16 these standards apply only to those parolees the MDOC chooses to put in a parole sanction certainty program. That could be a lot or a few. The bill contains no criteria for how the MDOC is to exercise its discretion.

We believe these standards should be applied to all parolees and that doing so could save several hundred prison beds without any negative impact on public safety. There is simply no reason why any parolee should be returned to prison for months or years if he or she does not pose an actual threat to the community. We urge you to amend SB 16 to broaden the application of the standards.

CAPPS is currently conducting research on technical parole violators and will be releasing the findings soon.

CAPPS also opposed SB 50, which would allow prisoners to be held in county jails. Levine strongly urged the committee not to pass SB 50 due to lack of appropriate programming, recreation, and resources in county jails to prepare prisoners for reentry. She noted:

We believe these standards should be applied to all parolees and that doing so could save several hundred prison beds without any negative impact on public safety.

[Continued on next page]

JUDICIAL VETO BILL SUCCESS

As you may know, HB 5273, the judicial veto bill, passed the Michigan Senate on December 7, 2016 by a 36-1 vote (the bill had previously passed the Michigan House by a large majority). The bill took effect March 21, 2017.

The bill removes the authority of a successor to the sentencing judge to veto a lifer's parole. The sentencing judge can still make an objection that removes the parole board's jurisdiction to grant release. That objection must be in writing and made within 30 days of the judge receiving notice from the board of a scheduled public hearing. The successor judge will receive notice of a scheduled public hearing and can still state his or her objection to the board but that objection will not prevent the board from acting. The exact language of the amendment to MCL 791.234(8)(c) is:

Notice of the public hearing shall be given to the sentencing judge, or the judge's successor in office. Parole shall not be granted if the sentencing judge files written objections to the granting of the parole with 30 days of receipt of the notice of hearing. But the sentencing judge's written objections shall bar only if the sentencing judge is still in office in the court before which the prisoner was convicted and sentenced.

A sentencing judge's successor in office may file written objections to the granting of parole, but a successor judge's objections shall not bar the granting of parole under subsection (7). If written objections are filed by either the sentencing judge or the judge's successor in office, they shall be made part of the prisoner's file.

In our last newsletter, we reported that there were 47 parolable lifers still in prison, who were scheduled for public hearings that were then cancelled because of judicial objections. Unfortunately, since then there were nine more vetoes before March 21, 2017, the effective date of the bill. Of the 56 total cases, in 49 of them (88%), the veto was exercised by a successor judge. The board has already begun scheduling parole hearings for some of these individuals. The successor judges will be notified, and their objections would be taken into account, but the board can now choose to proceed to a public hearing in these cases.

We have no knowledge about what the board will actually do in any given case. But we know that it tried to proceed at least once and in some cases twice and had its intentions frustrated by successor judges.

The bill was sponsored by Rep. Dave Pagel (R-Berrien Springs). His legislative staffer Ben Eikey worked hard to organize support and shepherd the bill through the legislative process.

SENATE PACKAGE OF CRIMINAL JUSTICE BILLS *passes House & Senate*

The Senate criminal justice package, a set of 20 bills spearheaded by John Proos (R – St. Joseph), was signed by Governor Snyder on March 30, 2017. The version passed by the House on March 2 included a number of amendments. Senate Bill 22 had required 18-24 year old prisoners to be housed separately from the general population of prisoners. This bill was amended in the final package and now only requires only age appropriate programming. The Governor vetoed SB 11, which required the gathering of various criminal justice data, and SB 50, which required the Department of Corrections to implement a program placing some prisoners on two-year sentences in county jails instead of state prisons. We were grateful to see bipartisan support for criminal justice reform and look forward to working with Sen. Proos and other bill sponsors on new initiatives.

CITIZENS ALLIANCE ON PRISONS AND PUBLIC SPENDING

Making state prisoners serve years in county jails is a bad idea under any circumstances. County jails are designed for short-term stays. Conditions there are in no way comparable to conditions in a Level 1 prison. There is no programming, no outdoor recreation and generally little or no indoor recreation. Mail, telephone and visiting policies are highly restrictive, as is the ability to possess any personal property, like books, board games or radios.

This bill envisions rewarding the good conduct of the lowest security state prisoners with years of literally doing nothing in a county jail. It allows for punishing their parents, spouses and children with extremely limited contact during that time.

There are no benefits whatsoever for prisoners in terms of reentry or family contact. They would not be placed in jails in the counties where they were convicted or put into community employment programs. That is why we ask that you not support it.

The bill was subsequently amended and passed to make it discretionary to place prisoners in county jails. The MDOC did not support the bill and the governor ultimately vetoed it.

For the full testimony and complete analysis of the Senate original package, as amended by the House, please ask your family and/or friends to visit www.capps-mi.org.

Media

PASS PAROLE REFORM BILL

Detroit News Editorial Board

Published December 12, 2016

One piece of last minute business that should be tidied up in the legislative lame duck session this week is passage of a bipartisan parole reform bill. The measure has already passed the House with solid support from both Republicans and Democrats, and the Senate should approve it and send it on to Gov. Rick Snyder.

There's little reason for this bill to be stalled, except that some members of the law enforcement community have spoken out against the potential dangers of releasing non-violent convicts before they serve their maximum term.

Still, it is backed by a wide range of faith and business leaders. And it's the right thing to do.

Called the Safe and Smart Parole Reform bill, it's sponsored by Rep. Kurt Heise, R-Plymouth, and would make the process of paroling prisoners fairer and more consistent.

It would bring clear definition to the "substantial and compelling" clause in state law that allows the parole board to deny release even to a prisoner who meets the current criteria of serving the minimum sentence and scoring low on a risk assessment.

CITIZENS ALLIANCE ON PRISONS AND PUBLIC SPENDING

The board now can define “clear and substantial” as it chooses. That leads to a good deal of subjectivity and keeps low risk prisoners behind bars longer than necessary — at taxpayer expense.

The reform would not affect those serving life sentences.

The reasons a low risk parole can be denied, as defined by the bill, would include:

- A prisoner has an unacceptable prison conduct score.
- There is evidence that wasn't available at the time of sentencing that the prisoner presents a risk of harm to another person.
- The prisoner has a pending felony charge.

There are other specified reasons for denying parole. But, basically, a prisoner who has behaved well, served the minimum sentence and presents no apparent risk to the public will be released.

That's the very definition of common sense corrections reform.

The Michigan Department of Corrections estimates the reform could, after five years, save the state \$75 million a year by cutting 3,200 prison beds out of the system.

If some of the money saved could go toward preparing convicts to live successful lives outside prison, it would do more to protect the public than prolonging their release.

That's a good start toward the 25 percent reduction in the \$2 billion corrections budget necessary to make Michigan competitive with other states and allow it to address other spending priorities, such as infrastructure.

Michigan on average keeps prisoners locked up longer than its peer states. Longer terms, unless accompanied by education and training, are not effective in reducing crime rates.

There is never a guarantee that even a seemingly risk-free convict will not return to crime once released from prison. But these inmates are going to be released someday, and keeping them in longer is not proven to reduce recidivism.

If some of the money saved could go toward preparing convicts to live successful lives outside prison, it would do more to protect the public than prolonging their release.

Lawmakers should pass this bill and let the new Legislature in January move on to other priorities.

SMART JUSTICE REFORMS FIND UNLIKELY ALLY IN BUSINESS COMMUNITY

Detroit Free Press

By Dick Devos, former CEO of Amway and president of Windquest Group

Published December 1, 2016 (Excerpts only)

Here in the Great Lakes State, one in every five general fund dollars goes toward corrections, representing our second largest budget line item. Prison inmates in Michigan serve longer average sentences than any other states in the country. This "too big to fail" government program was meant to keep us safe and act as a deterrent to potential criminals everywhere. Sadly, this approach did not provide the public safety return [...]

On a positive note, state leaders on the right and the left are beginning to recognize the deficiencies in the old tough-on-crime policies and instead supporting smart-on-crime initiatives. A parole reform bill passed the state House of Representatives by an overwhelming bipartisan vote last year, but died in the Senate [...]

[M]any businesses in Michigan are facing a real dearth in skilled labor, and returning citizens could certainly fill that void if they are properly rehabilitated and given the tools to successfully re-enter society. One recent study showed that employment was the single most important influence on reducing recidivism, and ex-offenders who are able to obtain gainful employment are twice as likely to stay crime-free, which means all our communities are safer.

Many business leaders are speaking out about the need for skilled labor and the potential to support reentry efforts and are supporting the Safe and Smart Parole Campaign.

Ask friends and family to visit the Detroit Free Press website at www.detroitfreep.com for a copy of the entire op ed.

Outreach

THANK YOU, PEOPLE OF HURON VALLEY & THUMB CORRECTIONAL FACILITIES!

CAPPS Board member Gary Ashby and Executive Director Laura Sager spoke at two Michigan prisons in January and February.

Gary Ashby, CAPPS Board member and volunteer speaker, visited the Thumb Correctional Facility in Lapeer on January 28. He discussed the policies driving the increase in Michigan's prison population over the past three decades and the need to support new safety priorities through investing in communities and rehabilitation for prisoners. He also talked about CAPPS's legislative efforts, including Safe and Smart Parole Reform, and concluded with ways to get involved including joining CAPPS. Laura Sager, CAPPS executive director, was very pleased to be invited back to speak to the National Lifer's Association membership meeting at the Huron Valley Correctional Facility on February 25. She gave members an overview of CAPPS's policy progress, agenda for 2017, outreach efforts, and answered questions. We very much appreciated the support of all those who worked to make those visits possible.

SUPPORTING THE WORK OF CRIME SURVIVOR ORGANIZATIONS

In December and February, CAPPS and the Crime Victim Services Commission office of the Department of Health and Human Services cosponsored trainings in Detroit and Flint. The trainings were designed to help leaders of organizations serving underserved crime survivors apply for federal Victim of Crime Act funds.

The federal Victims of Crime Act of 1984 established federal funding to states to fund services for crime survivors. CAPPS is working to help organizations that qualify obtain the information and assistance they need to apply for VOCA funds.



On April 3 and 4, 2017 CAPPs staff and community partners joined the Alliance for Safety and Justice at the Survivors Speak 2017 conference in Sacramento, California. Photo credit: Robert Durell, 2017

STAY CONNECTED AFTER YOUR PAROLE!

We are always delighted when any of our prisoner members are paroled. If you would like to stay connected to CAPPs once you are released, please email capps@capps-mi.org or call or write us with your new contact information. We will then keep you on our mailing list. Family members: if you move or change your email address, you'll miss important information. Please send updated info to capps@capps-mi.org.

TAKE ACTION!

Encourage your friends, family, and networks to talk to their legislators, pastors, and leaders of organizations they belong to about CAPPs, our latest report, and the need for Safe and Smart Parole Reform. **Please urge others to join CAPPs!**

Citizens Alliance on Prisons
and Public Spending (CAPPS)
824 N. Capitol Avenue
Lansing, Michigan 48906
P: (517) 482-7753, M-F
capps@capps-mi.org
WEBSITE: www.capps-mi.org

SUMMARY: SENATE BILLS 70, 72, AND 220

Under Section 7413(1) of the Public Health Code, a judge must impose a sentence of life without parole for a second or subsequent offense involving over 50 grams of a Schedule II controlled substance or cocaine.

Four people are currently serving life without parole for these offenses. CAPPS supports a package of bills introduced by Senator Steven Bieda (D-Macomb) to address the extraordinarily harsh penalty for a second or subsequent drug offense. As amended, SB 72 (S-1), 73(S-1) and 220 will:

- Provide parole eligibility for individuals serving life without parole for these offenses after serving five years of each conviction.
- Amend the Michigan's sentencing guidelines to reflect these reforms.

The Senate Judiciary Committee recently passed the bills, which are now awaiting consideration by the Senate.