

# PRISONS AND CORRECTIONS FORUM

*A Publication of the State Bar of Michigan's Prisons & Corrections Section*

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## Family Matters: Parents in Prison

New Date: June 18, 2016

*Editor's Note: The Prisons and Corrections Section Annual June Training Program has moved to a later date to avoid a conflict with the Criminal Law Section's 8th Spring Conference to be held on June 3-4.*

**Family Matters: Parents in Prison** is the topic for this year's Prisons and Corrections Section June 18th Conference. People often forget that many prisoners are parents and that legal issues concerning their families continue or become acute while they are incarcerated. Attorneys who practice criminal law may not be aware of the family ramifications of a prison sentence or how to help their client plan and attorneys who practice family law may not understand how to work with an incarcerated client or what resources may be available to their clients.

John G. Battles, Genesee County Friend of the Court, will talk about that "Genesee County's Positive Approach to Prisoners with Child Support Orders." This exciting approach could serve as a model for the entire state. It reduces the accumulation of enormous arrearages while assisting returning parents in finding employment and resuming affordable child support payments.

Amanda Alexander, an assistant professor and postdoctoral scholar in Afro-American studies and law at the University of Michigan will speak about "Foster Care Placement and Termination of Parental Rights for Parents in Prison." Ms. Alexander started the Prison & Family Justice Project at Michigan Law, which serves families divided by incarceration and the foster care system. It uses a combination of direct representation, know-your-rights education, targeted litigation, and advocacy.

The Honorable Paul Denefeld, Judge in the Family Division, Kent County Circuit Court, and Debra Keehn, Debra S. Keehn PLLC Panel, will serve on a panel about "Nuts and Bolts of Representing Prisoners in Family Law Cases." The panelists will cover procedure, court rules, rights and their limits, guardianships under probate and juvenile codes, and discharge planning for parents.

The last session will be on "Incarcerated Parent and Child Relationships: Barriers and Possibilities." Tykish and Geneva Greenwood will discuss their own experiences. Also participating in this last session will be Alicia Guevara Warren, Kids Count Director of the Michigan League for Public Policy.

The Conference will be June 18 at the Michael Franck Building, 306 Townsend, Lansing, Michigan from 9 a.m. to 1 p.m. and is open to the public. The registration fee is \$25, \$20 for Section members and \$15 for students. The registration fee includes materials and a continental breakfast. Please register at <http://e.michbar.org> or see the registration on page 3 of this newsletter.

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*The opinions expressed in this newsletter do not necessarily represent the views of the Prisons and Corrections Section of the State Bar of Michigan or the State Bar of Michigan, but those of the individual contributors.*



**PRISONS AND CORRECTIONS SECTION**  
**Tentative Agenda**

**Family Matters: Parents in Prison**

9:00 a.m.	Registration
9:30 a.m.	<i>Child Support and Prisoners: A Positive Approach to Prisoner Payers</i> John G. Battles, Friend of the Court, Genesee County Circuit Court
10:15 a.m.	<i>Foster Care Placement and Termination of Parental Rights for Parents in Prison</i> Amanda Alexander, Assistant Professor, University of Michigan, LSA, Law School
11:00 a.m.	Break
11:10 a.m.	<i>Panel: Nuts and Bolts of Representing Prisoners in Family Law Cases</i> <ul style="list-style-type: none"> <li>• <i>Procedure, Court Rules, Rights and Limits</i> Hon. Paul Denefeld, Kent County Circuit Court, Family Division</li> <li>• <i>Guardianships under Probate and Juvenile Codes, and Discharge Planning</i> Debra Keehn, Debra S. Keehn PLLC</li> <li>• <i>MDOC Policies and Issues to Consider in Family Law Matters</i> Speaker to be determined</li> </ul>
12:15 - 1:00 p.m.	<i>Panel: Incarcerated Parent and Child Relationships: Barriers and Possibilities</i> <ul style="list-style-type: none"> <li>• <i>Impact of Mother's Incarceration on Their Relationship</i> T. Greenwood</li> <li>• <i>Incarcerated Parent and Child Relationships: Barriers and Possibilities</i> Tykish and Geneva Greenwood will discuss their own experiences</li> <li>• Alicia Guevara Warren, the Michigan League for Public Policy, Kids Count Director</li> </ul>



# PRISONS AND CORRECTIONS SECTION Registration

## Family Matters: Parents in Prison

June 18, 2016 • 9:00 a.m. - 1:00 p.m.

State Bar of Michigan, Board Room  
306 Townsend, Lansing, MI 48933

Register online at <http://e.michbar.org>

**REGISTRATION DEADLINE: JUNE 15, 2016**

### Cost

- Section Member .....\$20
- Law School Students .....\$15  
*Law school students MUST register by mail to receive this rate.*
- Everyone else .....\$25

### Questions

For more information about this event, contact Sandra Girard at (517) 918-6641 or slbgirard@gmail.com.

### Register One of Two Ways

**Online:** pay with credit/debit card at <http://e.michbar.org>

**Mail** your check, and completed registration form to:

State Bar of Michigan  
Attn: Seminar Registration  
Michael Franck Building  
306 Townsend Street, Lansing, MI 48933

Please make check payable to: STATE BAR OF MICHIGAN

P #: \_\_\_\_\_

Name: \_\_\_\_\_

Your Firm: \_\_\_\_\_

Your Law School (if student): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

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**Cancellation Policy:** The registration fee for this event is forfeited if attendance is cancelled. Registrants who cancel will not receive seminar materials. As a courtesy to the planners, written notice of your intent not to attend is appreciated. That notice can be made by e-mail (tbellinger@mail.michbar.org), fax (517-372-5921 ATTN: Tina Bellinger), or by U.S. mail (306 Townsend St., Lansing, MI 48933 ATTN: Tina Bellinger.)

## Prison Hospice Care in Michigan

By Patricia A. Streeter

As with end-of-life care in the general population, hospice care in prison has become more wide-spread nationally over the last few decades. Also referred to as “palliative care”, hospice programs emphasize humane care with the best quality of life for the terminally ill. The programs focus on pain management and comfort for in the terminally ill rather than curing their illnesses.

Hospice programs have slowly developed in state, federal, and municipal prison administrations as the number of prisoners dying in prison have increased. This increase is attributed in large part to the longer prison sentences resulting from longer sentences and mandatory minimums, combined with cutbacks in parole releases. There has also been an historic rise in the use of life sentences, with one in nine people in prison now serving a life sentence, nearly a third of whom are sentenced to life without parole. In 2014 the National Research Council reported that half of the 222% growth in the state prison population between 1980 and 2010 was due to an increase of time served in prison for all offenses.

In Michigan, the Department of Corrections and Corizon Health, the MDOC’s private health care contractor, have operated prison hospice services at a few locations for over a decade. In June 2014 the program was expanded statewide and has grown to a current average of 150 prisoners, 12 of whom are women, based on MDOC estimates. The program is called CHOICES, which stands for Choose, Health Options, Initiate Care, and Educate Self.

Prisoners become eligible for the CHOICES program when they are diagnosed with a progressive life limiting condition. There are no time-specific life expectancy requirements. The patients are followed by an Interdisciplinary Care Team comprised of physical medicine, mental health and spiritual health professionals. The program is divided into two phases. In Phase 1, prisoners are educated about their condition, treatment options and possible outcomes. When the disease progresses and is not responsive to curative treatment, the prisoners are placed in Phase 2 of the program, which emphasizes end-of-life, palliative care. Phase 2 care usually involves infirmary care at C Unit at the Reception and Guidance Center (RGC) and the Duane Waters Health Center (DWH) for men, and Huron Valley (WHV) for women.

The MDOC reports that implementation of the CHOICES program has allowed terminally ill prisoners to remain in general population and maintain their own self-care for longer periods of time before they are required infirmary-level care.

The MDOC recently announced that CHOICES will soon incorporate prisoner volunteers to provide vigils and daily support for patients approaching the end of their life. In March 2016 a pilot program was announced for C Unit at RGC and DWH, in partnership with Hospice of Michigan. See in DOM 2016-26. The new Hospice and Palliative Care Program will select and train Prisoner Palliative Care Aides who will provide prisoners in hospice care with companionship and specialized assistance. The goal is to provide comfort-oriented care in an environment for seriously ill prisoners to live with dignity.

Prisoners selected to work in the Hospice and Palliative Care Program will be classified as a Prisoner Palliative Care Aide. Unlike the traditional duties of prisoners assigned as aides or wheelchair pushers and are prohibited from providing assistance with activities of daily living, Palliative Care Aides will assist in other duties with the approval of both Health Care and custody staff, including assistance with feeding, sponge bathing above the waist, and moving prisoners with a lift.

Prisoners will be selected for this work assignment based on their ability and willingness to provide this service and for their emotional stability, reliability and compassionate care to prisoners. In addition, they must receive a “no score” on a PREA Assessment. PREA stands for the Prison Rape Elimination Act. The assessment is a series of questions and answers designed to identify prisoners who are at risk of being sexually assaulted or sexually abused or are at risk for committing sexual assault or abuse.

The pay for this assignment will be at the first level of Advanced Education/Training Pay Scale (\$2.62) with consideration for a prisoner being paid one and one half times the normal pay rate for those times the prisoner is required to work under conditions which are considered unusually difficult (such as bloodborne pathogen clean up). Workers may be classified to another work or school assignment while assigned as a Prisoner Palliative Care Aide.

**Sources:**

- Hospice of Michigan, [www.hom.org](http://www.hom.org).
- Michigan Department of Corrections, Directors Office Memorandum 2016-26, Hospice and Palliative Care Pilot Program at the Charles E. Egeler Reception and Guidance Center (RGC) (C Unit)/Duane Waters Health Center (DWH), 03/03/16, available at [http://www.michigan.gov/corrections/0,4551,7-119-1441\\_44369--,00.html](http://www.michigan.gov/corrections/0,4551,7-119-1441_44369--,00.html).
- Michigan Department of Corrections, Policy Directive, PD-05.02.110 "Prisoner Work Assignment Pay and School Stipend", available at [http://www.michigan.gov/corrections/0,4551,7-119-1441\\_44369--,00.html](http://www.michigan.gov/corrections/0,4551,7-119-1441_44369--,00.html).
- Michigan Radio, "Prison Hospice Program Provides End-of-Life Care for Inmates", 11/04/15, available at <http://michiganradio.org/post/prison-hospice-program-provides-end-life-care-inmates>.
- National Prison Hospice Association, see [www.npha.org](http://www.npha.org).
- National Research Council, "The Growth of Incarceration in the United States: Exploring Causes and Consequences" (2014) (free download available at <http://www.nap.edu/18613>).
- The Sentencing Project, [www.sentencingproject.org](http://www.sentencingproject.org).
- U.S. Dept. of Justice, "Hospice and Palliative Care in Prisons", Special Issues in Corrections, September 1998.

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## Dental Litigation in Michigan

By Daniel E. Manville

In April of 2014, the lawsuit of *Johannes v. Washington*, Case No. 14-cv-11691, was filed in the Eastern District of Michigan. The case initially sought injunctive relief only for prisoner Johannes and all other prisoners similarly situated against the Michigan Department of Corrections. Later, an amended complaint was filed adding six more plaintiffs and expanding the request for injunctive and class allegations. Extensive pretrial discovery followed. Eight motions to compel discovery were filed in the past year claiming discovery shortcomings. A few months ago, the magistrate judge issued a Report and Recommendation that the entire lawsuit be dismissed because some of the named plaintiffs had not properly exhausted the grievance process and the claims of others were mooted by their release from prison on parole.

Both sides filed objections to this Report and Recommendation. Recently, the District Judge overruled the objections in part and affirmed in part. The Opinion and Order by the District Judge stated that the entire lawsuit should not be dismissed, but allowed dismissal of some of the named plaintiffs.

At a status conference that followed, one of the issues discussed was whether the plaintiffs should agree to a dismissal of the pending lawsuit and file another lawsuit. In order to proceed with the existing case as a class action, one or more prisoners now must be named as plaintiffs and have suffered what is alleged in the class and subclass allegations. It was agreed that plaintiffs will have seven months to find other prisoners who fit within the definition of each class and subclass.

The claims in the case challenge policies and practices that delay dentures for non-dental reasons to prisoners who need dentures and are suffering pain and lack the ability to properly consume food; pull teeth rather than repair cavities; and the 4 to 12 month delay for tooth repair, even when the prisoner is in extreme pain, because the dentist treats it as routine. The lengthy delay for tooth repair results after the prisoner, who is able to see a dentist almost immediately, does not have the tooth repaired then, but instead is placed on a lengthy appointment list.

Generally, the court cannot create a subclass without a prisoner who is named as a plaintiff and who needs dentures and suffered pain and cannot properly eat; or has not been confined for at least two-years and the dentist will not fit a tooth by claiming it is routine dental care; or was placed on an appointment list and the restorable tooth become non-restorable based on the wait time.

In order to participate in the litigation, prisoners must have complied with the requirements of the Prison Litigation Reform Act by fully exhausting their administrative remedies (through Step III). Prisoners with a dental problem should be advised to follow the process set forth in the Michigan Department of Corrections Policy Directive PD-03.02.130, Prisoner/Parolee Grievances, which is available online at the Policy Directives link at [www.michigan.gov/corrections](http://www.michigan.gov/corrections). After the Step III grievance response is received, it should be sent to Daniel E. Manville, Attorney, MSU Civil Rights Clinic, 610 Abbot Road, East Lansing, Michigan 48823 for follow-up.

## FCC Order Reducing Prisoner Telephone Call Rates Stayed Pending Appeal

On March 7, 2016 the U.S. Court of Appeals for the District of Columbia Circuit granted in part and denied in part motions to delay implementation of portions of the FCC's November 2015 Order reforming inmate calling rates and fees. The Court issued the stay as to the new, lower rate caps, and a related rule limiting fees for certain single call services. The stay did not affect the elimination of ancillary fees, which were allowed to take effect on March 17 for prisons, and June 20 for jails. The stay also does not affect the interim rates set by the FCC in 2013.

The stay was issued pending the full briefing and oral arguments in the appeal by prison telephone companies in their suit against the FCC, asking the court to overturn the rate reduction.

Chairman Tom Wheeler and Commissioner Mignon Clyburn issued the following statement:

While we regret that relief from high inmate calling rates will be delayed for struggling families and

their 2.7 million children trying to stay in touch with a loved one, we are gratified that costly and burdensome ancillary charges will come to an end. These fees can increase the cost to consumers of a call by nearly 40 percent, compounding the burden of rates that are too high. This is significant relief, particularly in combination with the 2013 rate caps, and will still provide significant and meaningful relief to consumers. Ultimately, we believe the court will uphold the new rates set by the Commission. We look forward to the day when we stop erecting barriers to communication and have a system where all rates and fees paid by friends and family to stay in touch with their loved ones in jail or prison will be just, fair, and reasonable.

For documents in the case, see *Global Tel\*Link, Securus Technologies, Inc, et al. v. FCC and USA*, U.S. Court of Appeals for the District of Columbia Circuit, Nos. 15-1461, 15-1498 and consolidated cases.

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## Public Policy Update

By Jacqueline C. Ouvry

Lots and lots of legislation! The Prisons and Corrections Council has had a huge legislative action year. Thus far, the Council voted in support or opposition of 38 bills in the 2015 – 2016 term. In 2014-2013, we took a position on 30 pieces of legislation the entire year, which itself was a huge increase over the seven bills supported or opposed in 2012-2011.

Here is the legislation on which the Council has taken a position in 2016-2015:

### Senate Bills

*SB 487 PCC position: Support in principle*

Would criminalize the intentional operation of an unmanned aerial vehicle within 1,000 feet of a correctional facility.

*SB 576 PCC position: Support*

Would exempt certain records of the Legislative Ombudsman from disclosure.

*SB 689 PCC position: Oppose*

Would require the Department of Corrections to implement a program housing eligible prisoners in county jails and to pay the counties for the program.

### House Bills

*HB 4138 PCC position: Support*

Would create a presumption of parole for inmates who score high probability of parole on the guidelines, while not entitling an inmate to parole. Requires annual or biannual reviews for certain parole eligibility scores and requires reporting to the legislature regarding inmates subject to parole presumption.

*HB 4866, 4867, 4868*

*PCC position: Support with Amendments*

Would make it a felony to fly an unmanned aerial vehicle within 1,500 feet of a correctional facility or a misdemeanor to fly near a correctional facility under other circumstances. The Section supports the bill in principal with

amendment to add a wrongful intent, also noting problematic language regarding proximity and measurement issues.

*HB 4965 PCC position: Support*

Would establish a Family Advisory Board within the Department of Corrections to seek input of the families of incarcerated individuals. The Section supports this legislation because of the benefits offered by Family Advisory Board and the positive impact on families and reentry success.

*HB 4973 & 4974 PCC position: Oppose*

Would create a Child Abuse offender registry. The Section opposes this legislation because it would create additional barriers to incarcerated individuals re-entering society.

*HB 5078, 5079, 5080 (Tie-barred)*

*PCC position: Support*

Would implement parole procedures for the medically frail.

*HB 5081 PCC position: Oppose*

Would create criminal penalties for the removal of a medically frail parolee from a secure facility.

*HB5273 PCC position: Support*

Would eliminate veto power for successor judges over certain parole decisions. The Section supports the repeal of the judicial veto in general.

**“Raise the Age” Bills**

*HB 4947-4954 (Tie-barred)*

*PCC position: Support in principle.*

HB 4947

Raises definition of a juvenile to less than 18, does not apply to waivers. Raises the age of transfers. Family Division may maintain jurisdiction of person subject to delinquency petition beyond 18.

HB 4948

Raises the age of immediate and permissible transfers to Family Division to less than 18 and permits concurrent jurisdiction for those between 17 and 18.

HB 4949

Raises the age of minor under Juvenile Diversion Act to less than 18, and requires destruction of records 28 days after 18<sup>th</sup> birthday.

HB 4950

Youth Rehabilitation Act would apply to acts committed before 18<sup>th</sup> birthday.

HB 4951

Mental Health Code, raises the age of juvenile to less than 18.

HB 4952

Permits juvenile alternative dispositions for violations of PPO for less than 18, and contempt permitted only for those over 18.

HB 4953

Michigan Indigent Defense Act, change to “18 years of age or older” for individual or adult.

HB 4954

Code of Criminal Procedure, raise the age of HYTA to after 18<sup>th</sup> birthday.

*HB 4955-4956 (Tie-barred)*

*PCC position: Support*

HB 4955

Code of Criminal Procedure. Removes text requiring judges to “give greater weight to the seriousness of the alleged offense and the juvenile’s prior record of delinquency” when determining whether to sentence as juvenile or adult.

HB 4956

Same as above for Probate Code for determining whether to waive 14 or older to adult court.

*HB 4957-4959 (Tie-barred)*

*PCC position: Support in principle.*

HB 4957

Previous law permitted juveniles to be detained or housed in adult facilities if the juvenile was isolated. This bill would forbid that practice and define a juvenile as someone under 18. This applies to criminal dispositions, Family Court dispositions and violations of PPOs.

HB 4958

Amends Code of Criminal Procedure (MCL 764.27a) to eliminate provision allowing confinement in jail pending trial of juvenile less than 17, as well as eliminating permission to confine a juvenile who is a menace. Defines juvenile as under 18.

HB 4959

Requires juvenile trials to be held separately and apart from adults. Defines juveniles as under 18.

## Case Review

### Juvenile Life Without Parole Cases

*Montgomery v. Louisiana*, \_\_\_ U.S. \_\_\_,  
136 S. Ct. 718 (2016)

In this case, the U.S. Supreme Court held that *Miller v. Alabama*, 567 U.S. \_\_\_, 132 S. Ct. 2455 (2012), applies retroactively. *Miller* prohibited (under the Eighth Amendment) mandatory life sentences without parole for juvenile offenders. *Miller* did not address whether its holding applied retroactively. In *People v. Carp*, 496 Mich. 440 (2014), the Michigan Supreme Court held that *Miller* did not apply retroactively.

The *Montgomery* decision effectively overrules *People v. Carp*. Under *Montgomery*, some 366 Michigan prisoners who are serving mandatory “juvenile life without parole” sentences will be entitled to resentencing hearings. A state-wide effort is underway to provide them with representation and to train the defense lawyers who will represent them.

### Sex Offender Registration Act Cases

*Does v. Snyder*

In 2012 the plaintiffs filed a global challenge to Michigan’s Sex Offender Registration Act. On the state’s motion to dismiss, the federal district court dismissed many of the plaintiffs’ claims (ex post facto, right to travel, right to work, some due process) but allowed other claims to go forward (right to parent, First Amendment, vagueness, some due process). See *Does v. Snyder*, 932 F. Supp. 2d 803 (E.D. Mich. 2013).

After discovery, the court decided the remaining claims under Fed. R. Civ. P. 52, which allows a bench trial on the documents. The court held that SORA’s school exclusion zones, its loitering provision, and some of its reporting provisions are unconstitutionally vague, and that SORA’s internet reporting provisions violate the First Amendment. The court upheld SORA’s lifetime reporting requirement as applied retroactively, except as to First Amendment issues. The court said it could not decide the parenting claim due to vagueness. The court also said that SORA’s criminal provisions do not impose strict liability. The court granted injunctions as to some of these claims. See *Does v. Snyder*, 101 F. Supp. 3d 672 (E.D. Mich. 2015).

The state filed an interlocutory appeal of the injunctions, and both sides appealed the judgment. The appeals were consolidated in the Sixth Circuit, which heard oral

argument on the interlocutory appeal in January and is scheduled to hear argument on the cross-appeals in late April 2016. The plaintiffs submitted an extensive record (including many expert reports); five amicus briefs were filed in support of the plaintiffs’ arguments.

In the meantime the state legislature has proposed some curative amendments, but at present no action has been taken, and none may be taken until the Sixth Circuit decides the pending appeals.

*People v. Temelkoski*

In this case a 19-year-old defendant was charged with CSC-II (person under 13). In 1994 he was adjudicated under the Holmes Youthful Trainee Act and sentenced to three years’ probation, which he successfully completed. His case was dismissed. But he was required to register as a sex offender under SORA, which took effect after he pled guilty. Under current law, which applies retroactively, he is listed as a Tier III offender and must register for life.

The defendant filed a motion to be removed from the registry because he had not been *convicted* of a sex offense. The trial court granted the motion. The Court of Appeals reversed, holding that applying SORA retroactively without a “conviction” is not cruel or unusual punishment because SORA’s purpose is to protect the public rather to punish registrants. *People v. Temelkoski*, 307 Mich. App. 241 (2014).

The Michigan Supreme Court granted leave and ordered the parties to brief a broad range of issues (overlapping with *Does v. Snyder*) including:

- whether SORA imposes “punishment,” under HYTA or otherwise;
- whether defining HYTA status as a conviction under SORA violates due process;
- whether even if SORA is not punishment, it violates due process as to youthful trainees;
- whether SORA violates the Ex Post Facto Clause as applied retroactively to the defendant;
- whether SORA constitutes cruel and/or unusual punishment.

The case is currently being briefed in the Michigan Supreme Court, with argument expected later in the year.

## Prison Population Statistics For Year End 2015

According to the Michigan Department of Corrections in its annual report to the Legislature, the Michigan prison population decreased by 731 in calendar year 2015 for a total of 42,628 prisoners at the end of the year (-1.7%). This places the prison population lower than the lowest mark in recent years, at the end of 2011.

The 2015 year end prison population is 17.3% smaller than the record high of 51,554 prisoners reached in March of 2007, which is 8,926 prisoners lower than the peak population. The population projections issued in February of last year were 98.1% accurate at the end of 2015 (819 prisoners higher than actual population).

In terms of bed space, during 2015, the net operating capacity of the prisons was increased by a net 57 beds, leaving the capacity of the system 97.0% occupied at the end of the year, with 1,300 beds available in the 32 prison facilities and the 14 county jails that house MDOC prisoners in leased beds.

The data show that decreases in felony court dispositions and prison admissions resulted in more than half of the prison population decline in 2015.

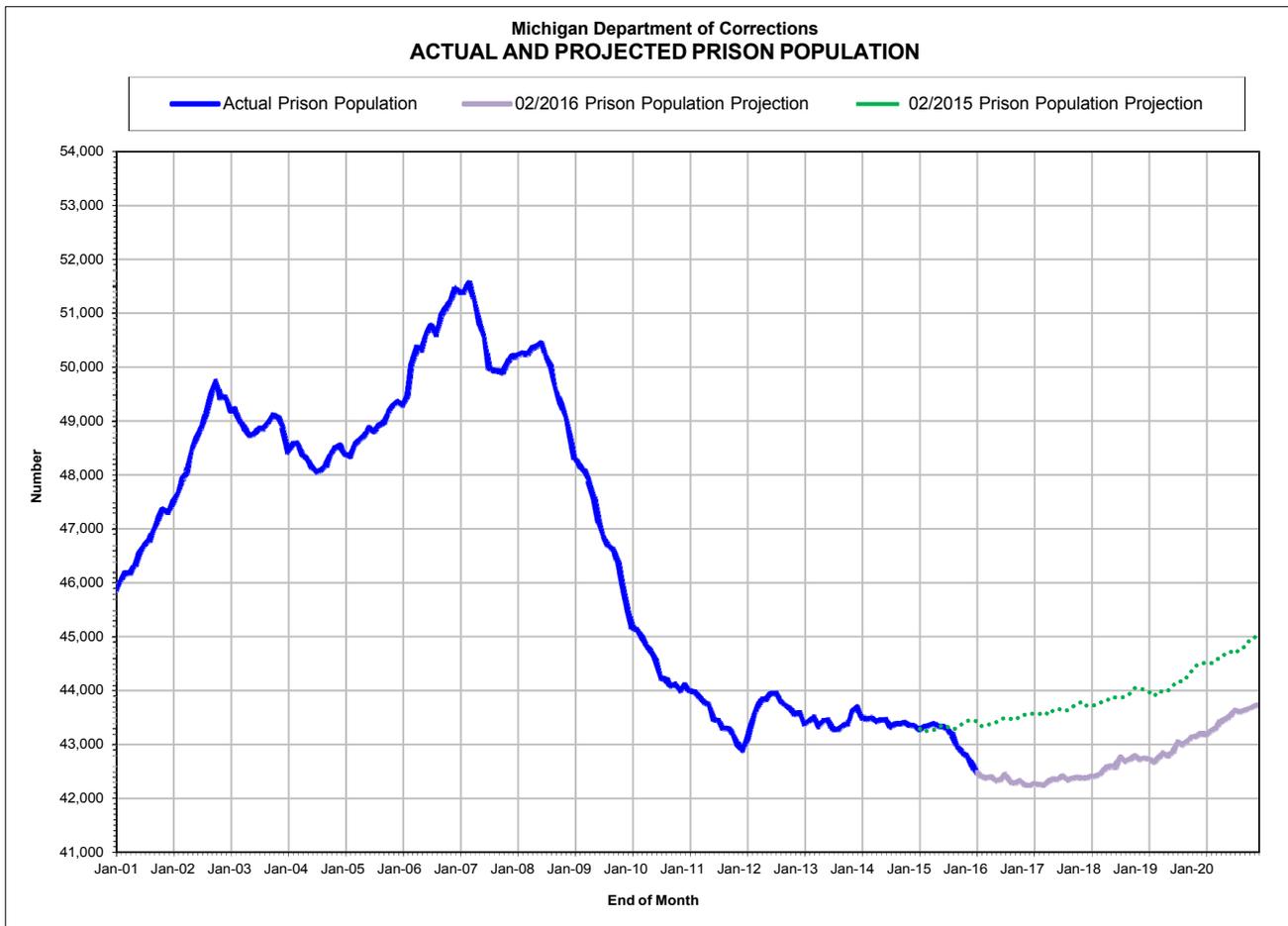
Felony court dispositions were down by 2.9% from 2014, resulting in a corresponding decrease in prison admissions with new sentences, down by 4.6% from 2014.

Prison intake declined for the third year in 2015 across all intake categories. Most of the intake decrease was driven by fewer new court commitments of offenders, followed by probation violators sent to prison either for probation violations or because of new sentences for crimes committed while on probation, and to a lesser extent by parole violators with new sentences. The number of parole violators with new sentences represents the 7th consecutive year of decline in that category of intake.

Another factor given for the 2015 decline in the prison population is the slightly higher number of discharges on the maximum sentence, either without parole, or after parole and return to prison for technical violations.

**Source:**

Prison Population Projection Report February 2016, MDOC Report to the Legislature Pursuant to P.A. 84 of 2015, Article V, Section 401.



## Associate Membership: Be a Part of the Conversation

By Nicole T. George

You don't have to be an attorney to be an informed change maker in the criminal justice system in Michigan. I am not an attorney, I have never been to law school and I do not have a State Bar card in my wallet, but I am an associate member of the State Bar Prisons and Corrections Section. As a social worker in the criminal justice field and passionate change maker, being an associate member of the State Bar Prisons and Corrections section has been one of the most invaluable experiences I have been fortunate to have in my professional and personal life. I believe the literature, conferences, papers and meetings generated by this section are valuable for attorneys and non-attorneys alike. In this newsletter we have included an application and instructions to become an associate member and I invite you and encourage you to consider paying your dues and becoming apart of this exciting and rewarding section of the State Bar.

When I graduated from the University of Michigan graduate program for Social Work my first job was as a post conviction consultant with Kathleen Schaefer at Professional Probation & Parole Consulting Inc. She is currently an active associate member and at the time was an associate council member. When she graciously brought me along to a council meeting as a guest I was immediately inspired, excited and hooked. I became an associate member in 2008. Ever since I have enjoyed the benefits of newsletters, annual trainings and monthly council meetings.

The newsletters, such as this one are consistently full of insightful articles. They include legislative updates, news on recent prison litigation, relevant changes in court rules and administrative changes in MDOC policies and procedures. These articles are written by experts in the field who draw from years of experience. The context and information they provide assist in my professional pursuits and allow me to better understand the current state of play of Corrections in Michigan.

In addition to the newsletters, the council's annual June trainings provide unique opportunities to connect with some of the foremost experts in the field -whether they work for the MDOC, work with the MDOC, or in some

cases sue the MDOC. They have a pulse on what is going on, what is being done, what needs to be done and what we can do to make a difference for ourselves, our communities and our state. Training topics have included public hearings and the parole process, the disciplinary process within prisons, litigating prisoner rights cases, the parole revocation process, and the use of assessment tools for sentencing, programming, and parole. The trainings are easy to follow, full of useful information and provide invaluable network opportunities. I have kept the information packets provided at the trainings and refer to them often to better inform my practice.

In addition to being an associate member I also now fill the spot on the council Mrs. Schaefer once held. The council for this section meets on the first Saturday of the month at the State Bar Building. We discuss pending legislature, changes in MDOC policies and procedures and discuss questions and concerns with the MDOC's Director's liaison. These meetings are consistently full of interesting, informative conversations where a relatively small group of people discuss the pros and cons of policy change, provide updates on pending litigation, and plan the annual trainings.

In the words of fellow associate member Peter Martel *"being an associate member of the Prisons & Corrections Section of the State Bar has been an invaluable experience that has taught me so much about corrections, legislation, litigation, while also giving me a unique opportunity to develop sincere, lasting relationships with many people that I have come to think of as mentors and friends. For anyone interested in prisons, corrections, and mass incarceration, becoming an associate member of the Prisons & Corrections Section is a great opportunity to learn about these things from a policy level right down to how things actually play out in the cell blocks."*

We hope you will take advantage of the application included in this newsletter and join us as a member of the State Bar Prisons & Corrections section whether you are just interested in staying informed through our newsletter or you are interested in a more active role attending trainings or being a guest at a council meeting.



## SECTION MEMBERSHIP APPLICATION FOR NON-BAR MEMBERS 2015-2016

Section Name	No.	\$ Amount	
<b>Administrative &amp; Regulatory Law</b> • Individuals involved in regulatory affairs, teaching, or administrative agency operations	01	20.00	<input type="checkbox"/>
<b>Alternative Dispute Resolution</b> You <b>MUST</b> complete the membership application form at <a href="http://www.connect.michbar.org/adr/home/join">http://www.connect.michbar.org/adr/home/join</a> to join the ADR section • Law faculty • Individuals "engaged in the use or advancement of ADR through practice or teaching"	02	40.00	<input type="checkbox"/>
<b>American Indian Law</b> • Michigan Tribal Judges • Michigan Tribal Prosecutors • Michigan Tribal Council Members • Law faculty • Federal attorneys not licensed by SBM • Persons engaged in the use or advancement of American Indian law	31	20.00	<input type="checkbox"/>
<b>Elder Law &amp; Disability Rights</b> • Employed with a public or non-profit body, firm, corporation or agency serving the elderly in general • Providers of care to elders • Providers of counseling, aid, or assistance for the health, welfare and financial needs of elders * Consultant members shall be appointed by the Section Council	26	35.00	<input type="checkbox"/>
<b>Health Care Law</b> • Law faculty	28	35.00	<input type="checkbox"/>
<b>Information Technology Law</b> • Law faculty	06	25.00	<input type="checkbox"/>
<b>Intellectual Property Law</b> • Agents registered to practice before The United States Patent and Trademark office, primarily practicing in Michigan	11	35.00	<input type="checkbox"/>
<b>International Law</b> • Consul-generals of other countries • Members of Upper Ontario Bar Association • Law faculty • Federal and state government officials	12	35.00	<input type="checkbox"/>
<b>Labor &amp; Employment Law</b> You <b>MUST</b> complete the application at <a href="http://www.connect.michbar.org/laborlaw/council/">http://www.connect.michbar.org/laborlaw/council/</a> to join the Labor & Employment Law Section • Individuals involved in labor & employment law	14	35.00	<input type="checkbox"/>
<b>Prisons &amp; Corrections</b> • Criminal Justice practitioners	35	30.00	<input type="checkbox"/>

TOTAL AMOUNT ENCLOSED \$ \_\_\_\_\_

PLEASE NOTE YOUR QUALIFICATION FOR JOINING THE SECTION:

\_\_\_\_\_

Several Sections of the State Bar offer membership to non-Bar members whose area of business is aligned with the Section area of practice, yet are neither attorneys, paralegals, or law students.

All non-Bar member applications are subject to review by the State Bar and individual Section's council as required by the Section's bylaws to ensure that the applicant is appropriately employed within the field of practice as described by the bylaw requirements.

The dues billing cycle for non-Bar members is aligned with the Bar year, October 1 through September 30. New member applications are accepted year round, and dues amounts will be applied to the current Bar year.

Regarding non-Bar member renewal procedures, please note that it is not possible to pre-pay dues for concurrent Bar years. Membership must be renewed annually via application and dues amounts submitted timely, by November 30 of each year, unless an extension has been provided for by the State Bar and the Section.

Please return with full payment made payable to:

State Bar of Michigan  
Attn: Dues Dept.  
Michael Franck Building  
306 Townsend St.  
Lansing, MI 48933

*Prices are subject to change without notice*

Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State, Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_

Enclosed is check# \_\_\_\_\_ for \$ \_\_\_\_\_  
(Make checks payable to STATE BAR OF MICHIGAN)

Credit cards not accepted.

NBMA\_03\_22\_2016\_08222014

STATE BAR OF MICHIGAN

Prisons and Corrections Section  
Michael Franck Building  
306 Townsend Street  
Lansing, MI 48933-2012

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## Join the Prisons and Corrections Section

**I am interested in joining the Prisons and Corrections Section of the State Bar of Michigan!**

Name (include State Bar Number, if applicable):

\_\_\_\_\_

Firm/Professional Affiliation:

\_\_\_\_\_

Mailing Address:

\_\_\_\_\_

Suite/ Apt. Number: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone no., including area code: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**Membership Status Sought**

Attorney membership (\$30)

***About Associate Membership:***

Section membership is also available to non-attorney criminal justice professionals at the same rate (\$30). Those interested should use the separate form included in this newsletter edition (See page 13).

**Send completed applications to:**

State Bar of Michigan  
Prisons and Corrections Section  
Michael Franck Building  
306 Townsend Street  
Lansing, MI 48933-2012

**Please note:**

Newsletter subscriptions are not available to non-members on a subscription basis. Copies are available for purchase at \$4 each by sending a request to State Bar of Michigan, Prisons and Corrections Section, 306 Townsend Street, Lansing, Michigan 48933-2012. The Newsletters are also available at no cost online to members at the website of the State Bar of Michigan, at <<http://connect.michbar.org/prisons/newsletter>>.