

STATE BAR OF MICHIGAN
PRISONS & CORRECTIONS SECTION COUNCIL MEETING MINUTES
State Bar Building
Lansing, MI. 48823
December 1, 2018

Present: Sandy Girard, Mike Marutiak, Barb Levine, Pat Streeter, Michelle VanDusen, Korbin Felder, Kyle Kaminski, Nicole George, Steve Gobbo, Carol Siemon, Marilena David-Martin, Gary Kasenow, David Gilbert and Ron Emery

Excused Absences: Keith Barber, John Cooper, and Dan Manville

Guest: Kevin Harris of Nation Outside

Chairperson Mike Marutiak called the meeting to order at 10:08AM. A quorum of 11 voting members was present.

1. Attendances and Welcome:

Mike introduced Kevin Harris who will become an associate member once he formally joins the section. Members then introduced themselves to Kevin.

2. Adoption of Agenda:

The Chair added two items to the Agenda 1) letter to New Governor's transition team, and 2) discussion of past policy positions, and deleted item #7 relating to observations on Penology in Germany and Norway in Keith Barber's absence. On motion by Carol Siemon, seconded by Pat Streeter, the agenda as revised was adopted unanimously.

3. Approval of April Minutes:

On motion by Pat Streeter, seconded by Carol Siemon the November minutes were unanimously approved as written.

4. Treasurer's Report

In Treasurer Dan Manville's absence, Mike reported that our current balance is historically very high. With dues expected over the next few months that balance could increase so our finances look good for the next year. Mike wants to encourage ideas for meaningful use of the money.

5. Comments from the Chair

A. The State Bar conference call on finances for section officers especially treasurers did take place and Mike participated in the conference call. The call reviewed the rules that guide the spending of section funds.

B. The Criminal Law section conference will take place on February 16 and 17, 2019 at the Soaring Eagle in Mt. Pleasant. This location was perceived to be more convenient than Shanty Creek. New AG Dana Nessel has confirmed her attendance and will speak. The general topic will be all things marijuana.

C. Mike also addressed comments made in the last meeting about whether corrections officers routinely disregard DOC rules and protocols Mike was concerned these might have been misunderstood. Mike noted that as in any organization there are some employees that are problematic and that DOC must do what it can to enforce its rules and dismiss those who chose not to follow them. But he and others stated the belief that the bulk of CO's are good employees and can be role models for inmates.

6. MDOC Updates

Kyle reported on the following topics:

A. The closure of the Ojibway facility was to be completed today. The lawsuit in the court of claims that delayed the process was dismissed.

B. The legislation to raise the age of adult criminal liability above 17 has "limped out" of committee and faces an "uncertain" future.

C. The Ombudsman bill was reported out of committee but further discussion will be deferred until Keith Barber is present.

D. MDOC signed a new \$100M telephone contract that will:

- 1) Set per minute call rates at 16 cents
- 2) Include a video relay function
- 3) Provide for financial case management software
- 4) Provide 31 FTE's for monitoring of calls
- 5) Mail scanners for contraband
- 6) Cell phone detection services
- 7) Training in equipment use for DOC employees

E. Kyle has no insight into who will be the new DOC Director but he and Korbin reported that the transition team has sought out stakeholders in the department and has asked a lot of questions which appears to be a good sign. The team contacted most of the groups who were mentioned by Kyle and DOC to Tiffany Brown of the Whittmer team.

6.5 Letter to Governor's Transition Team

Mike reported that the letter, drafted by Barbara Levine, Carole Siemon, and John Cooper, with input from Mike was directed to Mark Bernstein of the Whitmer team who then directed it to Tiffany Brown. The letter had been drafted with input from all four members with editing done by e-mail.

7. Observations and Reflections on Penology in Germany and Norway (tabled)

8. HB 6397

This legislation, reported out of committee, will expand the ombudsman's ability to initiate investigations, interview DOC employees and others, and access portions of the prisons heretofore inaccessible to that office, and to strengthen FOIA exemptions for this information. Kyle reported two changes occurred in committee, 1) access to restricted areas must be at a time agreeable with the DOC, 2) access

denied to “think tank” or command centers during security events. DOC still has not taken a position on the bill.

David Gilbert raised several questions concerning whether DOC employees have Garrity warning protections, whether there will be access to more than official DOC documents, and whether this will impair DOC’s ability to discipline its officers. David also noted that prosecutors with prisons in their counties might oppose this legislation because of confidentiality concerns. Carol read from an e-mail from the Kalamazoo Prosecutor who opposes the legislation because it may make some information unavailable to the prosecutor for criminal law enforcement purposes.

David and Barbara Levine moved to support H1 substitute version of HB 6397 as it was sent to the Senate. Pat Streeter seconded the motion. The motion passed 12-0 with no abstentions.

8.5 Past Policy Positions

Barb Levine reported that she, with Pat Streeter’s help, collected some past P & C Section policy positions that she felt needed to be revisited or pushed further at this time. These included parole board authority to grant medical paroles, and appointment of counsel for prisoners when county prosecutors appeal a grant of parole, extending parole for failure to satisfy restitution, and creating a rebuttable presumption for parole or commutation. Mike suggested that these should be listed and sent out to P & C Section members and Barb Levine indicated that she would try to do that.

9. Preliminary Discussion of June program ideas

Marilena David-Martin suggested that the program deal with the impact of trauma on those who end up on the criminal justice system, i.e., the criminal justice system as the entryway for trauma care. Nicole George suggested that the program cover trauma to victims as well. Marilena would send her ideas to a committee to work with her on the program. Four members volunteered for the committee: Michelle VanDusen, Nicole George, Barb Levine, and Korbin Felder.

10. Adjournment

On motion by Steve Gobbo, seconded by Barb Levine, the meeting was unanimously adjourned at 11:59AM. The next meeting is scheduled for Saturday, January 12 at 10 AM at the Dan Manville’s office on Abbott Road.

Respectfully Submitted,

Ron Emery
January 5, 2019