

STATE BAR OF MICHIGAN
PRISONS & CORRECTIONS SECTION COUNCIL MEETING
MINUTES

State Bar Building
306 Townsend St.
Lansing, MI

February 4, 2017

Chairperson Jacqueline Ouvry called the meeting to order at approximately 10:00 a.m.

Present: Keith Barber, Nicole George, Sandra Girard, Gary Kasenow, Monica Jahner, Barbara Levine, Daniel Manville, Michael Marutiak, Jacqueline Ouvry, Patricia Streeter, Richard Stapleton, Michelle Van Dusen,

Excused absence: Ronald Emery, Kyle Kaminski, Peter Martel, Paul Reingold, Judge Douglas Shapiro, Carol Siemon, Richard Stapleton

The agenda was adopted.

Minutes. The minutes of the Jan. 6, 2017 were amended to reflect that Judge Canady should not be shown as an excused absence because he is a commissioner liaison, not a council member. A spelling error in the name of Elaine Spiliopoulos and the name of Darryl Alexander were corrected. The minutes were adopted on motion of Dan Manville, seconded by Mike Marutiak.

Treasurer's report. The treasurer's report for Dec. 31, 2016 showed the Section has a balance of \$7,879.57.

Membership report. The membership report for Dec. 31, 2016 showed the Section currently has 163 members, a decrease of 16 from last year's total of 179.

State Bar annual meeting. There was discussion of the 2017 State Bar Annual meeting to be held in Detroit at Cobo Hall from Sept 26-29. The issue is whether the Section should hold an event separate from the Criminal Law Section program on police use of force. Ideas raised are for the P&C section to develop its own

program or to host a welcome reception on Wed. Nicole, Dan and Mike agreed to serve on a committee to consider these ideas.

Chairperson's report. The chair directed attention to an item in the meeting packet regarding a survey being conducted by MCOLES to seek community input on how to strengthen public trust and confidence in the police.

Chair-elect. There was discussion of the chair-elect position. Sandy Girard had already agreed to serve as acting chair for the months of March and April while Jackie is off. Pat made a motion, seconded by Dan, to nominate Sandy as chair-elect. Sandy agreed to accept the position on the understanding that Dan will help with copying meeting materials and Barb will help identify legislation for discussion. She was then elected unanimously.

Theme bar journal issue. The chair noted that all but one of the outlines for the Section's Sept. bar journal issue were included in the meeting materials. These were: Letter from the Chair, an MDOC article on promoting offender success, a piece by Paul and Dan on the impact of mass incarceration on conditions of confinement, an article on juvenile lifers by Kimberly Thomas and one by CAPPS on the factors that have driven the population up and potential strategies for bringing it down. First drafts of the articles are due by the end of Feb. Jackie and Pat will edit the drafts. Pat will work with Ashley Lucas of PCAP to identify potential prisoner artwork for inclusion. Pat will share possible choices with council members. Sandy suggested having a sidebar in the issue regarding PCAP.

Law library committee. Members of the council's prison law library committee toured the library at the Cotton Facility in May 2016 and the library at the Handlon Facility in January 2017. Pat combined notes that she and Sandy took at these tours. Her summary was in the meeting materials. The notes and the discussion at the meeting focused on a number of problem areas including: insufficient number of computers at Cotton, especially since some are often down for repairs; limited access time per prisoner; lack of training on how to do legal research; unavailability of Michigan forms and manuals and prisoner self-help material; multiple difficulties in obtaining photocopies. Dan noted that he had offered to supply copies of his prisoner self-help manual to each of the 31 prison law libraries for \$15 apiece. Kyle has agreed to look into making Michigan material available and into adjusting software so that selected pages of opinions can be printed without requiring the prisoner to pay for the entire opinion.

Additional issues discussed were: the Section newsletter not being placed into the law libraries after it has been purposefully edited to conform to MDOC rules, the fact that the State Bar Directory will only be available online after April 18 unless printed copies are paid for in advance and the elimination of typewriters from the libraries thereby requiring people who don't have their own to handwrite their pleadings.

There was discussion of the committee doing one more tour, possibly at Huron Valley, and examining the law library services available to prisoners in segregation. Michelle noted that in federal facilities there is a computer terminal in a separate room in the seg units. The committee would then prepare a position statement with recommendations for improvement and explore the possibility of having the statement adopted by the entire State Bar. Since each facility implements law library access in its own way, one recommendation will be for statewide oversight.

June seminar on electronic monitoring. It was proposed that the charge for the seminar be \$25 with some scholarships available and free registration for law students. It was agreed that the seminar committee would propose a list of up to 10 invited guests, like legislators or their staff. Sandy made a motion, seconded by Pat, to provide a \$500 honorarium to the out-of-state speaker James Kilgore. The motion passed by 8-0. Barb will circulate a draft of the program for review by committee members. The registration format will be discussed at the March meeting. Dan indicated that if a larger venue is needed, it can be arranged at MSU with notice as late as May.

Criminal law section program at Shanty Creek. Mike reported on the Shanty Creek program to be held over Presidents' Day weekend. The conference is now one day. Registration is \$40. The Criminal Law Section took our section's recommendation to include the use of forensic evidence in post-conviction motions. The speaker will be Imran Syed from the U-M Innocence Clinic. Mike moved, with a second by Sandy, that our section do an e-blast to our members advertising this program. The motion passed unanimously. Mike noted that the Criminal Law Section's June conference will be at Mission Point on Mackinac Island. The topic is TBD.

Legislation. There was discussion of SB 50 which would permit the MDOC to house selected prisoners in county jails. The bill was amended to make these placements permissive rather than required and the current MDOC administration does not use this option. Nonetheless, the bill would allow future administrations

to do so. Sandy moved to oppose and Pat seconded. The vote to oppose was unanimous. Jackie will send a letter to Committee Chair Chatfield explaining the inadequacy of jail conditions for long-term stays. She will include a copy of the newsletter article discussing the issue. Note: no MI jail is accredited; some are going to video visits only and charging \$25 for them.

HB 4065 would give the MDOC director the discretion to hire people with felony records. The hypocrisy of the department encouraging private sector employers to hire parolees while the department itself is statutorily prohibited from hiring any ex-felons has not gone unnoticed. Barb moved to support and Pat seconded. The vote to support was unanimous.

HB 4101, 4102 and 4103 are the medical parole bills. 4103 creates a one-year misdemeanor for furnishing a controlled substance or a weapon to a medically frail parolee or for assisting a medical parolee to leave a medical facility or to have contact with a prohibited person. Barb moved support for 4101 and 4102 and opposition for 4103. Dan seconded. The motion passed unanimously.

Newsletter. Article drafts are due by March 29. Pat will also need the seminar program and registration form. There will be discussion at the March meeting of differences between the e-mailed and prison editions.

Lifers. The Sentencing Project's new report on parolable lifers was noted. Also noted was the MI Supreme Court's action in two juvenile LWOP cases. Leave was granted in Skinner and mini-orals were granted in Hyatt.

The parole board has started to interview juvenile LWOPs who were resentenced to a term of years. Paroles have been granted in 12 cases so far. Pat will check with Kyle about getting up to date numbers for the newsletter. Barb will give Pat updated figures on parolable lifers currently eligible for release.

The meeting was adjourned at about noon.

Prepared by,

Barbara Levine
Acting Secretary