

STATE BAR OF MICHIGAN
PRISONS & CORRECTIONS SECTION COUNCIL MEETING MINUTES
State Bar Building
Lansing, MI. 48823
January 6, 2018

Chairperson Sandy Girard called the meeting to order at 10:07AM.

1. Attendances and Welcome:

Present: Sandy Girard, Mike Marutiak, Barb Levine, Doug Shapiro, Pat Streeter, Monica Jahner, Michelle VanDusen, Korbin Felder, Keith Barber, Kyle Kaminski, David Gilbert, John Cooper and Ron Emery

Excused Absences: Carol Siemon, Nicole George, Marilena David-Martin, Gary Kasenow and Jackie Ouvry

Guest: Dan Manville

2. Adoption of Agenda:

On motion by John Cooper, seconded by Barb Levine, the agenda presented was adopted unanimously.

3. Approval of December 2nd Minutes:

On motion by Korbin Felder, seconded by Pat Streeter the December 2nd minutes were unanimously approved as amended to correct date of the January meeting and to add Jackie Ouvry as in attendance.

4. Executive and Legislative Initiatives

A. HR 5377

John Cooper explained that this bill will clarify departures from parole guidelines and is intended to eliminate subjective reasons for denying parole to high probability inmates, i.e. "lack of insight", "lack of empathy" which appear on the parole action form as "boilerplate" reasons. There was an extended discussion about what the bill would allow and whether it would better enforce the current statutory parole standards. On motion by Barb Levine, seconded by Korbin Felder, on a 6-3 vote with one abstention, the council voted to support the bill.

5. Old Business

A. Update on Medical Parole Bill

Kyle Kaminski reported that public hearings on the bill have been held and it is proceeding toward passage.

B. Revised Position Statement on GPS Monitoring

Barb Levine presented a written revised draft statement that summarized the areas of concern and her recommendations. Her basic concerns are who, and how tightly they should be monitored. She deleted some of the general background in her previous draft. Jackie Ouvry will review monitoring policies and statues in other states. Several questioned whether indiscriminate (i.e. general policy to monitor without regard to individualized risk assessment) was justified (see #1 and #2 on page four and five of Barb Levine's draft). David Gilbert suggested that more general monitoring was beneficial since it allowed better supervision of parolees. Further discussion followed. He did agree with the concerns for the cost of monitoring being applied to parolees and the need for a process to review use and intensity of monitoring (#3 and #4 of the draft). This item was tabled at this time. Sandy encouraged council members to send their thoughts on the issue to Barb Levine, Jackie Ouvry, Carol Siemon, and John Cooper by e-mail before the next meeting.

C. Parole Public Hearings and history

1. The Role of the Attorney General:

Pat Streeter reported that she had received some information from Korbin Felder to use in an article on the public hearing process in parole hearings. The concern specifically is the nature and extent of Attorney General participation in the hearings. Several felt the AG was taking too much of a role in the hearings and with its blanket opposition to any parole was being unfair in the hearings thus discouraging Parole Board members from exercising their own judgment. Kyle Kaminski pointed out however, that despite AG participation the Parole Board continues to grant most paroles where guidelines are met. There was also discussion on what basis the AG can claim participation as being "in the public interest." This item was tabled pending further information.

2. Security Treatment of Prisoners at Parole hearings:

Several questioned MDOC treatment of inmates who are transported for parole hearings (i.e. must wait in the vans without water). Kyle Kaminski agreed to review the MDOC manual on prisoner transportation and provide it to the council for review. This item was tabled to a future meeting.

D. Newsletter

Pat Streeter reported that she had not sent anything out because of the holidays. She also reported that Paul Reingold and Dan Manville continue to submit case summaries for the newsletter. She also suggested that we decide on a June training date so that she can put that in the newsletter. Mike Marutiak reported that the Criminal Law Section's June conference will not be held the first Saturday of June

thus leaving the first Saturday in June available for our program. The Council agreed on that date for our training conference date with the topic to be determined.

E. Law Library Tours

Kyle Kaminski reported that more library tours would be considered once the weather warms up and MDOC can set them up.

6. New Business:

A. Legal writers program:

This issue involves a paucity of trained inmates who can assist others in writing legal documents. (See article *The MDOC's Failed Legal Writer Program* attached to the agenda) Kyle Kaminski asked what the Section would suggest to address the problem. After a further brief discussion this item was tabled.

B. Federal Court Mediation Request in Prisoner Pro Se cases:

US District Judge Victoria Roberts Sent a letter requesting someone to attend a presentation on this type program as established in Nevada. The presentation will be held on Monday January 8th at 3PM. Dan Manville will be going in his capacity as MSU Clinic Director. Pat Streeter also said she was interested but was not sure she could attend the presentation. Kyle Kaminski indicated that Melody Wallace from MDOC would be attending.

C. Commutations:

Korbin Felder reported that AFSC was currently involved in a program to internally advocate for commutations. The Snyder administration has been extremely slow in reviewing and granting these. The AFSC reviews commutation applications for inmates but does not submit them. They are trying to get those with 30 or more years in prison and those with medical issues submitted first so that they can be considered first. They have also produced a video showing successes by recently released inmates.

D. Cure Lifer project:

Dan Manville reported on MI-CURE. It is a grassroots justice reform organization and is a chapter of [National CURE](#). CURE works to educate and inspire individuals to advocate for themselves and for improvements in the state's justice systems. They are currently starting a program aimed at getting juvenile lifers out of prison. The program is summarized in an e-mail attached to the agenda and solicits volunteers.

7. Adjournment:

On motion by Mike Marutiak, seconded by Pat Streeter, the meeting was adjourned at 12:20 with the next meeting to be the first Saturday of February (the 3rd) at the State Bar Building.

Ron Emery
Secretary

/S/

Secretary
January 7, 2018