

STATE BAR OF MICHIGAN
PRISONS & CORRECTIONS SECTION COUNCIL MEETING
MINUTES (as amended)
State Bar Building
Lansing, MI. 48823
March 4, 2017

Sandy Girard, Chair elect, called the meeting to order at 10:08 AM.

1. Attendance and Welcome:

Present: Pat Streeter, Mike Marutiak, Monica Jahner, Paul Reingold, Barbara Levine, Richard Stapleton, Michelle VanDusen, Peter Martel, Nicole George, Doug Shapiro, Kyle Kaminski, Carol Siemon, and Ron Emery

Excused Absences: Jackie Ouvry

Unexcused Absences: Daniel Manville, Gary Kasenow, Keith Barber and Jessica Zimbelman

Guest: Korbin Felder, American Friends Service

2. Adoption of Agenda:

On motion by Richard Stapleton, seconded by Pat Streeter, the agenda presented was adopted unanimously.

3. Approval of Minutes:

Barb Levine presented the minutes from the last regular council meeting from February 2nd. The lone correction was to Kyle Kaminski's last name ending in "i" rather than "y". On

motion by Paul Reingold, seconded by Mike Marutiak, the minutes as amended were approved.

4. Treasurer's Report

Tabled in Dan's absence

5. Reports from the Chair

a) Themed Bar:

Pat Streeter reported that drafts that she or Jackie have received drafts of most articles for the September journal for review. Paul and Kyle will deliver their drafts to Pat by March 6th. Pat also passed around examples of other bar journals to demonstrate how photos and artwork have been integrated into the journal. She asked for those present to look at them and offer suggestions on how they should be integrated into our September issue. The big question was whether inclusion of photos would reduce the amount of word space for the article. The consensus was that artwork and photos should not diminish article length. Pat will check with the bar editors on this question. She will also have the prisoner artwork available on the Internet for council members to review and offer recommendations.

b) Barbara Levine volunteered to write a 75 word “advertisement” describing the June conference to be included in the section newsletter and upcoming bar journals. She will e-mail it to Linda Novak at the SBM by April 5th.

6. Committees

a) Law Library. Pat Streeter reported that she had not completed her report on the committee findings yet as

she was waiting for Kyle's aid but he had been unavailable because of other legislative commitments for the DOC. Pat intends to include that report in the section newsletter Kyle did advise that institution librarians had been asked to accept Section newsletters as Pat has edited them so as to comply with DOC concerns. Doug Shapiro raised a concern about prisoner court filings. Current court rules require them to file multiple copies of pleadings, which is costly to them. Doug suggested a court rule that would allow prisoners to file one electronic copy of pleadings IF electronic filing is allowed.

- b) June Conference. Barb submitted a draft of the topics to be covered in the June conference (June 3rd, 9AM -1PM, at the SBM) concerning electronic monitoring put together by her committee. (See copy) James Kilgore will present on whether EM (electronic monitoring) can provide an alternative to incarceration; Former inmate Darryl Alexander will present on what it is like to be subject to EM; Dana O'Neil of DOC will present on the practical aspects of EM; and Russ Marlan of DOC will present on the general policy concerns of the use EM. The committee believed that the focus should not just be on EM of CSC felons, but broadened to the general use of EM both during pretrial detention as well as probationary and parole monitoring. The conference title will likely be changed to "*EM: pretrial, probation, parole and beyond.*" Mike Marutiak and Ron Emery volunteered to work the registration table on June 3rd for the conference. ON motion by Paul, seconded by Pat, the council voted unanimously to set the registration fee for the conference at \$25, with law students free, as long as they do register. Mike also moved, seconded by Paul, to authorize student free admission and up to \$525 (\$75 each) for up to 7 e-blasts to advertise the June conference. Two e-blasts each

to the P&C Section membership, two to the Criminal Law Section membership and up to two other sections as determined by the committee. Passed unanimously.

- c) Criminal Law Section Liaison. Mike reported on that section's recent mid-winter conference at Shanty Creek. They had about 40 registrants attend with 6 young attorneys receiving scholarships to attend. The materials from that conference will be available on line at the section webpage under "library." The section will have two more events this summer; one June 10 -11 at Mission Point on Mackinac Island, topic as yet undetermined; and a social gathering strictly for networking on June 17th at a Lansing Lugnuts game.

7. Executive and Legislative Initiatives

- a) HB 4118 and HB 4119. Kyle reported that these two bills propose to criminalize throwing bodily fluids in a prison or lockup facility. MCO, PAAS, and MDOC all have indicated no position on the bills. The concern about these bills is two fold, existing laws already cover the conduct, and there is no intent requirement in the bill. Further, convicts with mental issues often are involved in the conduct. The Section, on motion by Richard Stapleton, seconded by Barb Levine, voted unanimously to oppose the legislation. Doug Shapiro abstained.
- b) DOC Report on Residential Programming. Kyle reported on this pilot project to help inmates on their way out of incarceration and to house that have been sent here temporarily. The latter would include those held for domestic violence, drug treatment and returned parolees. The program called WRAP (Wayne Residential Alternative Program) has a place for up to

85-100 level one-classification inmates to be housed at the former Ryan facility in Wayne County. Inmates enrolled in the Residential Substance Abuse Treatment (RSAT) and/or Adult Substance Abuse Treatment (ASAT) programs are eligible. The program provides vocational training with some job search and placement assistance. 100 inmates have finished the program so far with 88 having done so successfully.

8. Old Business

- a) Newsletter: Pat Streeter reported that the deadline for outlines and/or drafts of articles is March 29th for the April edition. Paul will submit a new case summary for the newsletter and Pat asked Keith Barber for potential articles that he sees would be of interest. One article will be a summary of the prison library committee findings. Another topic will be prisoner reimbursement. The newsletters between now and June will include registration information about that conference
- b) Annual meeting. Nicole reported on her committees planning discussion for the annual section meeting in September. She and Dan and Mike determined that the only time during the SBM annual conference would be available for our section meeting would be on Friday afternoon. This did not bode well for good attendance. Consequently, they will consider a jointly sponsored conference with the Criminal Law Section. Mike will suggest topics to the Criminal Law section.

9. New Business

a) Reforming Felony Murder, etc. Barb reported that there was an interest in dealing with life term inmates who ARE eligible for parole who have served long terms. 923 currently are incarcerated that have been in for over 25 years and most are over 50 years of age and are eligible for parole. The goal is to use the Miller factors for parole decisions. Kyle indicated that the DOC is interested in paroling some of these lifers. Pete, Monica, Nicole, Barb, Paul and Doug expressed an interest in participating in the brainstorming sessions.

10. Adjournment:

On motion by Paul Reingold, seconded by Pat Streeter, the meeting was adjourned at 11:56 with the next meeting scheduled for April 1st at the State Bar Building.

Ron Emery

Secretary
March 5th, 2017