

**Meeting Minutes**  
**SBM Prisons and Corrections Section Council**  
**May 1, 2020**  
**2pm-4pm (via Zoom)**

Present

Keith Barber  
John Brusstar  
Hon. Clinton Canady  
Marilena David-Martin  
Nicole George  
Natalie Holbrook  
Barb Levine  
Mike Marutiak  
Hon. Michelle Rick  
Katherine Root  
Kathleen Schaefer  
Carol Siemon  
Pat Streeter

Excused Absence

John Cooper  
Lisa Geminick  
Kyle Kaminski

Unexcused Absence

Dan Manville  
Dan Gilbert

**1. Approval of April 3, 2020 meeting minutes**

Adopted per motion by Judge Rick, seconded by Mike Marutiak.

**2. Budget; annual program**

- We have \$8400 in the account.
- The annual program (no title yet) will take place on October 17, 2020 in Lansing, joint with the Criminal Law and Immigration sections.
  - Topics will include:
    - “Immigration and Public Charges 101” (Immigration Law)
    - “Crimmigration’ Toolkit” (Immigration Law)
    - “Forensic Science and Wrongful Convictions” (including the viewpoints of forensic scientists, defense attorneys, and prosecutors). The prosecutor’s viewpoint will entail issues of integrity of wrongful convictions, reentry for the person being released, and explaining the situation to the victim/victim’s family. (Criminal Law)
    - “Re-Entry and Parole” (P&C)
    - “Use of Social Worker and Mental Health Professionals” (P&C)
    - “Post-Conviction Relief and Immigration” (Immigration Law)
  - Email additional suggestions for topics to Mari and Mike.
  - The reception will be 30 minutes after the end of the program, rather than the night before, at the University Club in East Lansing. We will invite all the jurists and attorneys from surrounding counties, and counsels of other sections. The reception will include a keynote speaker (15-20 minutes), and we have reserved a block of rooms at the hotel adjoining the U. Club.

- The three sections will decide how to divvy up costs. The Criminal Law Section will pick up a larger share of the program; P&C and Immigration Law will not be expected to pick up a full third.
- The target timeframe for advertising via fliers and e-blast will be mid-August.
- The sections are meeting again toward the end of the month.
- Registration fees are not established, but are expected to be \$20-25 for section members.
- Several sections have said that they would like to be involved in future joint programming.

### **3. COVID-19 (C19) and corrections**

#### **MDOC (Keith Barber)**

*If members have questions, they can email them to Kyle directly, or send them to Mari, and she will compile them.*

*There is a link to C19 information on the main MDOC webpage, which is updated daily.*  
<https://medium.com/@MichiganDOC/mdoc-takes-steps-to-prevent-spread-of-coronavirus-covid-19-250f43144337>

#### **Numbers as of 5/1/2020**

- The MDOC has confirmed 1623 positive cases and 1892 negative.
- There have been 41 prisoner deaths (up 13 from the week before; up 40 from the April meeting)
- There are 270 staff positives (up from 30 at the April meeting), and 2 staff deaths.

#### **Testing**

- 14 prisons have not had any positive tests at all.
- 8 prisons have had 0-50 positive tests.
- The most concentrated areas are Lakeland, Macomb, and WHV.
- Mass testing is just starting.
  - At LCF, 55% of prisoners tested positive, and 80% of those who tested positive were asymptomatic. There are internal transfers at LCF because they have split the facility into a positive side and a negative side.
  - They anticipate doing something similar at Cotton.
  - They are testing all parolees, and delaying release for anyone testing positive until they test negative.
  - They are starting antibody testing to see who may have contracted C19 at some point, starting with all the people who have tested negative. They want to get a handle on who may have already been exposed, and plan from there. Testing will widen as it becomes available.

#### **Step-down/recovered prisoners**

- There is a step-down unit at Gus Harrison (ARF). Once moved to ARF, a prisoner must go 14 days without symptoms, and then if they test negative, are moved to the unit for recovered prisoners, which is housed at Central Michigan Correctional Facility.

- At this time C19 has not been an issue among prisoners at higher security levels, so there is not a unit for recovered prisoners at higher security levels.

### Parole/lifer reviews

- They will be starting to look at parolable lifer cases this month, and scheduling public hearings using remote technology.
- Kyle anticipates that public hearings will start in mid-May.
- Keith assumes that they will use the same criteria for parolable lifers that they have always used.
- The first public hearings will be those already in the pipeline, but they will start doing lifer interviews and continue on with the process.
- At this point, everyone under consideration has already done 20-25 years.

### Issues

- PPE. There is a standing order for PPE, but the MDOC says all the prisons have it. Keith's office is getting a lot of reports related to PPE.
- Isolation:
  - When people are isolated, they are not able to take their property, as though they were in punitive segregation; if they are symptomatic or positive, their property is packed up. Keith has some concerns about how that is happening, and has received a number of reports about missing property. Once transferred, they do not get their personal property until they go to the step-down unit. The Department has purchased TVs and DVD players for positive units. The MDOC says that having too much property puts everyone at risk, and they are concerned about the possibility of how long C19 can stay alive on different surfaces.
  - People have gone without property for as long as 45 days, and property has been stolen.
  - Because "close contacts" are also being moved to isolation, if one's bunkie tests positive, then one's 14 days starts all over again. This can go on indefinitely. The MDOC is providing things like activity books, crossword puzzles, and adult coloring books/colored pencils, but people cannot bring their own property.
- Health care: AFSC has gotten complaints from positive prisoners at LCF that they do not have the healthcare staff to take care of sick people, and they want people's oxygen levels and temperatures monitored more closely. Keith's office has not heard those complaints.
- Ventilators: Healthcare staff makes the determination as to who needs care beyond what the MDOC can provide. There are no ventilators within the MDOC (including at DWH). Once a prisoner has been transferred to an off-site hospital, the attending physician at the hospital makes ventilator decisions.
- Releases: AFSC sent a JPay to the entire population telling them to get their releases in order. The MDOC was also going to make a concerted effort to get people to sign releases. When people are testing positive, they are supposed to have the opportunity to update their releases.

- C19 case tracking: Legislators were concerned about where positive prisoners should be counted (county of origin versus county of incarceration), so they made a separate category for MDOC cases.
- Tethers: Parolees on tether were told that they should report to get them taken off so that they could be used for other parolees. The plan was canceled after a parole agent called the media. Keith hasn't heard anything about a more selective process being implemented.

### **Jails**

- The ACLU is suing Oakland County Jail .
- SADO has started getting appointed to represent post-conviction prisoners at Wayne County Jail to get them out of jail as early as possible. NDS is representing most pretrial prisoners.

### **Courts**

- SBM has been working with the MSC to compile a list of rules and operations that should be postponed or extended, and the MSC has postponed post-judgment motion deadlines. The courts are fully operational, and all litigation is still going on, but lawyers have some extension on some deadlines, given the need to work from home and the inability to meet with clients.
- SADO has just implemented Zoom video visits.
- John Brusstar has had success using GTL's "GettingOut" system for video visits.

### **4. Newsletter**

This will be a C19-themed newsletter. Council members are asked to submit to Pat by 5/8 a short blurb (1-2 paragraphs) about how C19 has affected their practice, what they have been working on during this time, and what they/their organizations have been doing to ensure that incarcerated people are served during this time.

### **5. No legislative updates**

### **6. Next meeting: Friday June 5, 2-4pm (via Zoom)**

This will be our last meeting until the annual meeting on October 17.

Submitted by: Katherine Root, Secretary