

2004-2005 Annual Report Prisons & Corrections Section

The Section entered its eighth year as an independent, voluntary entity of the State Bar of Michigan at the last Annual meeting held on October 1, 2004. The Section co-sponsored a program with the Criminal Law Section around the topic of "Crime & Punishment: Choosing a Cost-Effective Corrections Plan for Michigan."

The Section continues to publish the Prisons and Corrections Forum, a newsletter that is widely distributed to the Section's membership, non-attorney subscribers, and key legislative or other policy-makers within the State. Former Section Chair Barbara Levine and Sandra Girard, present Treasurer, contributed countless volunteer hours in editorial work. The Summer 2004 issue addressed "The Mentally Ill in Michigan Prisons: An Out of Control Crisis."

The Section strives to maintain its unique character and out-reach beyond the State Bar: (1) by designating three of its voting Council seats to be held by criminal justice professionals who are not attorneys; (2) through its relationship with the Michigan Department of Corrections and the Michigan Sheriff's Association by having ex-officio, non-voting liaison seats on the Council for these entities. For this term, Jeffrey Baumann, Administrator of the Office of Audit, Internal Affairs and Litigation, participates as the designee for the Patricia Caruso, Director of the Michigan Department of Corrections and Robert "Rick" Beracy, Gratiot County Sheriff, serves as the liaison for the Michigan Sheriff's Association. The Prisons and Corrections Section also interacts with the Criminal Law Section of the State Bar by holding a designated seat on its governing council by virtue of that section's by-laws.

This year the Section adopted a policy position in support of a change to a court rule that would require all those sentenced to prison to be sentenced in their birth name. For those being released from prison, the Secretary of State will not accept as a form of identification the prison identification card issued by the Michigan Department of Corrections since a person sentenced to prison can be confined under an alias. This change was advocated since it would assist in the re-entry process.

The Section also adopted a policy supporting legislation to expand expungement to include 2 misdemeanors, except for misdemeanors involving domestic violence or violence against persons under the age of 18. The State Bar of Michigan also adopted this policy position.

Finally, the Section also discussed the issues of denial of parole to non-mandatory lifers; costs to families of accepting collect calls from inmates; and denial of parole for failure to complete recommended therapy programs when these programs have not been made available to the inmates. The Section is considering whether it should adopt policy positions as to each of these issues.

Respectfully submitted

/s/ Daniel E. Manville, Section Chair