

2002-2003 Annual Report Prisons & Corrections Section

The Section entered its sixth year as an independent, voluntary entity of the State Bar of Michigan at the last annual meeting held in September 2002. In preparation for that annual meeting, the Section initially framed its program around the controversial ballot proposal to amend the Michigan Constitution to require drug sentencing reform and a certain level of spending. After the ballot proposal was invalidated on technical grounds, a program was presented on the status of Michigan drug courts and proposed legislation (HB 5394 and HB 5395 sponsored by Representative McConico) to reform Michigan's mandatory drug sentences. Novi District Court Judge Brian MacKenzie and Barbara Levine, a former chair of the Section were panelists.

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 other council members, notably Majorie Van Ochten and Maia Storm, have contributed countless volunteer hours in editorial work. Many professionals outside the Council have also contributed by writing articles about correctional issues and the state of the law. Another valuable resource provided by the Section, is its Corrections Law on Disc – a CD-ROM compilation of laws, statutes, administrative rules and other useful reference documents pertaining to the Michigan Department of Corrections, including policy directives, operating procedures, and the agency's Hearings Manual for prisoner discipline. Council members Sandra Girard and Stuart Friedman coordinate this special project. *See:* <http://www.crimapp.com/cdrom/>

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 audit, internal affairs, and litigation, participates as the designee for the 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.

Of special mention, and a measure of the Section's accomplishments and pro-activeness, was its expeditious review of the American Bar Association's policy statement on Cost-effective Pretrial Detention, Sentencing, and Correctional Systems passed by the ABA house of delegates in August 2002 that called upon federal, state, and local government to assess correctional systems. The Section formulated and published its own-nineteen point, Michigan-specific "Blueprint" following the public advocacy requirements of the State Bar by-laws.

See: <http://www.capps-mi.org/PUBS/MIBLUEPRINT.pdf>

Subsequently, this writer had the privilege of addressing the State Bar of Michigan's Representative Body on April 26, 2003 about the original ABA documents and to see the passage of a resolution commending the ABA and recognizing the importance of considering responses to challenges presented during times of diminishing budgetary resources.

Testimony was also provided on May 27, 2003 to the Michigan Senate's Appropriations subcommittee on Corrections, chaired by the Hon. Alan Cropsey, on behalf of the Section and in concert with its previously adopted public policy positions and including the recent issued "Blueprint." The focus of the testimony was on the restoration of educational program funding in the proposed FY 2003-2004 budgetary appropriations for the Department of Corrections. The Section's position is that educational programs are a vital and cost-effective method of reducing offender recidivism (the House version of the appropriations Bill before the Senate committee had eliminated most educational funding, and the Senate was considering the efficacy of restoring funding).

The Section on May 9, 2003, together with the Citizens Alliance on Prisons and Public Spending (CAPPS), sponsored a conference at the Lansing Center to consider various proposals of the Section and CAPPS on Cost-Effectiveness Corrections: Setting Priorities for Scarce Resources. The conference culminated in a panel discussion moderated by local political commentator and televised *Off the Record* Host Tim Skubick.

See: <http://www.capps-mi.org/PUBS/conference%20flyer%20final.pdf>

Finally, the Section approved the filing of an Amicus in the United State Supreme Court in the matter of *William Overton, Dir., Michigan Dept. of Corrections, et al. v. Michelle Bazzetta, et al.*, No. 02-94, consistent with its "Family Values" public policy position, to help decide the issue of prisoner visitation rights with respect to the U.S. Constitution's First, Eight, and Fourteenth Amendments. At this moment, the Court's decision is still pending.

See: http://supreme.lp.findlaw.com/supreme_court/docket/2002/march.html#02-94

Respectfully submitted,

/s/Stephen J. Gobbo, Section Chair