

2005-2006 Annual Report Prisons & Corrections Section

The Section entered its ninth year as an independent, voluntary entity of the State Bar of Michigan at the last Annual meeting held on September 22, 2005. The Section co-sponsored a program with the Criminal Jurisprudence and Practice Committee and the Equal Access Initiatives of the Standing Committee on Justice Initiatives around the topic of *People with Cognitive & Psychiatric Disabilities in the Criminal Justice System: A Practical Guide to Recognition, Identification, and Resources.*

The Section seeks to continue 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. The next issue will likely be published over the summer.

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 number of policy positions with the intent to add a voice of reason to the Michigan Legislature and MDOC by offering constructive suggestions to improve a prison system in need of some significant changes. One policy statement recommended that MDOC reduce the outrageous collect telephone call rate charged to families of prisoners. At present, MDOC receives a kickback from Sprint, the provider of telephone services, of approximately 51 per cent. Few other states charge such high collect call rates as does Michigan and receive such a high kickback. It was also recommended that the minute rate charged to inmates making call with the use of debit cards be lowered than the rates charged for collect calls. Presently the rate of a debit call is the same rate as the collect call. Since a higher rate is imposed on collect calls based upon having to bill a customer, the debit card is prepaid and no billing is necessary. There is no justification for making such a huge profit off the backs of those who can least afford it.

It was also recommended that calls be allowed to cell phones. MDOC has refused to recognize the trend that many people have only one telephone and that is a cell phone. It is refusing to bring their policies into the 21st Century.

A second policy statement recommended that the Michigan Legislature eliminate the draconian imposition of life without parole imposed on those below the age of 18 who are convicted of crimes

carrying a punishment of life without parole. It was also recommended that the Michigan Legislature eliminate its statutory presumption that children of the age of 17 are to be treated as adult in the criminal justice system. Further it was recommended that the Legislature change the sentencing options available to juvenile judges when someone under 18 is convicted of a crime imposing a life sentence. The present option is to keep the child confined in a juvenile facility until s/he turns 21 or to give that juvenile a life sentence without parole as an adult.

Finally, the third policy statement recommended that the MDOC creates a state-wide listing of those in need of treatment and that placement into such therapy be based upon this listing and not the individual prison listing. This state-wide listing would help place those who are nearest to their outdate into the recommended therapy prior to being reviewed by the parole board. It was also recommended that the Michigan Parole Board defer parole release interview until therapy is completed if the inmate has already started in therapy at the time of his/her parole release interview was scheduled.

Overall, it was a very productive year for the Section

Respectfully submitted

/s/ Daniel E. Manville, Section Chair